

# STATE OF NEW YORK

4350--A

2023-2024 Regular Sessions

## IN SENATE

February 7, 2023

Introduced by Sens. HINCHEY, ASHBY, KAVANAGH, MATTERA, ROLISON, STEC, TEDISCO, THOMAS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new article 76 to read as follows:

### ARTICLE 76

#### SAFE WATER AND INFRASTRUCTURE ACTION PROGRAM

5 Section 76-0101. Safe water and infrastructure action program.

6 § 76-0101. Safe water and infrastructure action program.

7 1. Notwithstanding any other provisions of this chapter or any other  
8 law and subject to an appropriation made therefor and in accordance with  
9 the provisions of this section and with the rules and regulations  
10 promulgated by the commissioner in connection therewith, on and after  
11 the first day of April, two thousand twenty-four, a consolidated local  
12 infrastructure program is hereby established for the purpose of making  
13 payments toward the replacement and rehabilitation of existing local  
14 municipally-owned and funded drinking water, storm water and sanitary  
15 sewer systems. For purposes of this section, such program shall apply to  
16 any drinking water system, storm water system or sanitary sewer system  
17 within the state that is under the maintenance and/or operational juris-  
18 isdiction of a county, city, town, village or public authority; provided,  
19 however, that such system shall not be under the maintenance and/or  
20 operational jurisdiction of a private entity; provided further, however,  
21 that such program shall not apply to a system that is under the mainte-  
22 nance and/or operational jurisdiction of a city with a population of one

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD02298-06-3

1 million or more. The commissioner, in conjunction with the environmental  
2 facilities corporation, shall promulgate all necessary rules and regu-  
3 lations to carry out the program so that an equitable distribution of  
4 aid shall be made for the general operation and/or general maintenance  
5 of any such existing drinking water system, storm water system or sani-  
6 tary sewer system. Existing water infrastructure includes all the man-  
7 made and natural features that move and treat water in terms of drinking  
8 water, waste water, and storm water. Monies from this fund may be used  
9 for maintenance and repairs of existing water infrastructure as well as  
10 new water infrastructure expansion, but only into already developed  
11 areas so as not to support sprawl and development of natural areas.  
12 Already developed areas are those that are zoned/defined by munici-  
13 palities as of January first, two thousand twenty-three as commercial  
14 and residential use.

15 2. On or before the twenty-fifth day of April, June, September and  
16 November of each state fiscal year commencing with the state fiscal year  
17 beginning on April first, two thousand twenty-five, there shall be  
18 distributed and paid to counties, cities, towns, villages and public  
19 authorities an amount equal to the moneys appropriated for the purposes  
20 of this section divided by the number of payment dates in that state  
21 fiscal year. Such amounts shall be distributed and paid pursuant to  
22 subdivision three of this section.

23 3. Amounts shall be distributed for local drinking water, storm water  
24 and sanitary sewer systems based upon a funding formula that the depart-  
25 ment and the department of health shall create taking into consideration  
26 factors including but not limited to: the system's length and width of  
27 pipes; other physical assets maintained by the system, including treat-  
28 ment facilities and pumping stations; the age of the system's infras-  
29 tructure; and relevant socioeconomic factors, including the presence of  
30 disadvantaged communities within a system's service area, to achieve an  
31 equitable distribution of aid.

32 4. Monies made available may be used to match other state and federal  
33 funds made available for such projects. The remainder of the apportion-  
34 ment may be used for any existing drinking water, storm water or sewer  
35 system purchases, including but not limited to, the acquisition of mate-  
36 rials for the replacement or rehabilitation.

37 5. For any city, town, village or public authority which proposes  
38 infrastructure consolidation under this section or merges with another  
39 municipality, the funds appropriated under this section may fund costs  
40 associated with such consolidation.

41 6. For each fiscal year, starting in two thousand twenty-five, funds  
42 are to be made available to the local infrastructure assistance account  
43 of the general fund, and distributed from that account.

44 7. At the end of each fiscal year, each county, city, town, village  
45 and public authority that receives funding pursuant to this section  
46 shall submit an annual report to the department detailing how such money  
47 was used. The department shall compile all reports and submit them to  
48 the comptroller for their review. Once a report is finalized, it shall  
49 be made publicly available on the department's website. The department  
50 and the comptroller shall reserve the right to conduct sight visits to  
51 ensure the money is being used accurately.

52 § 2. This act shall take effect on the thirtieth day after it shall  
53 have become a law.