STATE OF NEW YORK

5851

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. LEVENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the wastewater infrastructure and drinking water program; and making an appropriation therefor

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

Section 1. The environmental conservation law is amended by adding a new section 3-0322 to read as follows:

§ 3-0322. Wastewater infrastructure and drinking water program.

1. Notwithstanding any other provisions of this chapter or any other law, rule or regulation, and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after the first day of April, two thousand twenty-four, a wastewater infrastructure and drinking water program is hereby established for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems. For purposes of this section, such program shall apply to any drinking water system, storm water system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village or public authority; provided, however, that such system shall not be under the maintenance and/or operational jurisdiction of a private entity. The commissioner, in conjunction with the environmental facilities corporation, shall promulgate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the general operation and/or general maintenance of any such existing drinking water system, storm water system or sanitary sewer system.

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

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2. Such program shall offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects.

3. Funding may be used by municipalities for the preparation of an engineering report. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative are eligible. Design and construction costs are not eligible. Priority shall be given to municipalities proposing planning activities that are:

(a) required by an executed Order on Consent; or

(b) required by a draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or

(c) upgrading or replacing an existing wastewater system; or

(d) constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or

(e) addressing a pollutant of concern in a watershed implementation plan (i.e. Total Maximum Daily Load (TMDL), Nine Element Watershed Plan, or DEC HABs Action Plan).

§ 2. The sum of six million dollars ($6,000,000) is hereby appropriated to the department of environmental conservation out of any moneys in the state treasury in the general fund, not otherwise appropriated, and made immediately available, for the purposes of providing emergency municipal drinking water, wastewater and storm water infrastructure grants for infrastructure projects where there is an imminent threat to the environment and/or the public health, specifically for the wastewater infrastructure and drinking water program. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the department of environmental conservation.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.