

# STATE OF NEW YORK

1791

2023-2024 Regular Sessions

## IN SENATE

January 17, 2023

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, the environmental conservation law and the state finance law, in relation to reporting requirements and audits of private water companies

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

1 Section 1. This act shall be known and may be cited as the "small  
2 water utility transparency act".

3 § 2. The public service law is amended by adding a new section 89-q  
4 to read as follows:

5 § 89-q. Powers of the commission with respect to private water compa-  
6 nies. 1. The commission, in coordination with the comptroller, shall  
7 conduct full audits of regulated private water companies with gross  
8 annual revenues below two hundred fifty thousand dollars on a three-  
9 to five-year cycle, as determined by the commission. Such audits shall  
10 focus on capital investment in the private water company, compliance  
11 with state and federal water safety regulations and laws, financial  
12 capacity of the private water company, management ability and function  
13 of the private water company, water adequacy and sufficiency of the  
14 private water system and affordability.

15 2. The commission shall require that any regulated private water  
16 company with gross annual revenues below two hundred fifty thousand  
17 dollars which is under investigation either by motion of the commission,  
18 pursuant to section eighty-nine-i of this article, or pursuant to an  
19 order to show cause shall file regular public updates on the status of  
20 compliance with such order. The commission shall promulgate rules and  
21 regulations regarding such requirement including, but not limited to,  
22 determining how often such public updates shall be provided and the  
23 manner in which such public updates shall be provided to the public.

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

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1 The commission shall be authorized to establish and collect fines for  
2 non-compliance with this subdivision. Such fines may be set at  
3 increased rates for repeated non-compliance.

4 3. The commission shall cooperate with the department of environmental  
5 conservation and shall provide any information or data compiled by or in  
6 the possession of the commission to the department of environmental  
7 conservation for the purposes of aiding the department of environmental  
8 conservation in carrying out audits of regulated private water companies  
9 with gross annual revenues below two hundred fifty thousand dollars. The  
10 commission shall coordinate such audits with the department of environ-  
11 mental conservation and shall issue joint audit reports that merge the  
12 separate audits of the commission and the department of environmental  
13 conservation.

14 § 3. The environmental conservation law is amended by adding a new  
15 section 15-0319 to read as follows:

16 § 15-0319. Powers and duties with respect to private water companies.

17 The department shall conduct full audits of private water companies  
18 with gross annual revenues below two hundred fifty thousand dollars  
19 which are regulated by the public service commission on a three- to  
20 five-year cycle, as determined by the department. Such audits shall  
21 focus on, but shall not be limited to, compliance with state and federal  
22 water safety regulations and laws, water quality, water adequacy, suffi-  
23 ciency of testing performed by the private water company. The department  
24 may seek the assistance of the public service commission in conducting  
25 such audits and may rely on information and data complied or provided by  
26 the public service commission in the completion of such audits. The  
27 department shall coordinate such audits with the public service commis-  
28 sion and shall assist the commission in issuing joint audit reports that  
29 merge the separate audits of the department and the public service  
30 commission.

31 § 4. Section 8 of the state finance law is amended by adding a new  
32 subdivision 21 to read as follows:

33 21. Notwithstanding any inconsistent provision of law, audit regu-  
34 lated private water companies with gross annual revenues below two  
35 hundred fifty thousand dollars in accordance with section eighty-nine-q  
36 of the public service law.

37 § 5. This act shall take effect immediately.