STATE OF NEW YORK

8190

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

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

AN ACT to amend the environmental conservation law, in relation to establishing the pipeline investment for public environmental solutions program

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

Section 1. Paragraphs f and g of subdivision 1 of section 58-0903 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, are amended and a new paragraph h is added to read as follows:

f. costs associated with the establishment of riparian buffers to provide distance between farm fields and streams or abate erosion during high flow events; [~~and~~]

g. costs associated with lead service line replacement pursuant to section eleven hundred fourteen of the public health law[~~.~~]**; and**

h. costs associated with the pipeline investment for public environmental solutions program established pursuant to section 58-0905 of this article.

§ 2. The environmental conservation law is amended by adding a new section 58-0905 to read as follows:

§ 58-0905. Pipeline investment for public environmental solutions program.

1. a. There is hereby established a pipeline investment for public environmental solutions program for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, stormwater and sanitary sewer systems and the expansion of new water infrastructure. The program shall apply to any drinking water system, stormwater system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village, taxing district specific

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

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to water, sewer, or stormwater treatment and/or conveyance, or public authority, excluding a city of one million or more.

b. The commissioner, in conjunction with the New York state 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 maintenance, upgrade or replacement of any such existing drinking water system, stormwater system or sanitary sewer system and other associated costs. Existing water infrastructure includes all the man-made and natural features that move and treat water in terms of drinking water, wastewater, and stormwater.

2. On or before the twenty-fifth day of April, June, September and November of each state fiscal year commencing with the state fiscal year beginning on April first, two thousand twenty-seven, there shall be distributed and paid to counties, cities, towns, villages, taxing districts specific to water, sewer, or stormwater treatment and/or conveyances, and public authorities an amount equal to the moneys allocated for the purposes of this section divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to subdivision three of this section.

3. Amounts shall be distributed for local drinking water, stormwater and sanitary sewer systems based upon a funding formula that the department and the department of health shall create taking into consideration factors including but not limited to: the system's length and width of pipes; other physical assets maintained by the system, including treatment facilities and pumping stations; the age of the system's infrastructure; and relevant socioeconomic factors, prioritizing rural communities.

4. Monies made available may be used in addition to existing sources of state funding, as well as to match federal funds made available for such projects. The remainder of the apportionment may be used for any existing drinking water, stormwater or sewer system purchases, including but not limited to, the acquisition of materials for the replacement or rehabilitation.

5. For any city, town, village, taxing district specific to water, sewer, or stormwater treatment and/or conveyance, or public authority which proposes infrastructure consolidation under this section or merges with another municipality, the funds appropriated under this section may fund costs associated with such consolidation.

6. Nothing in this section shall prohibit the use of such funding for New York state intermunicipal water infrastructure projects pursuant to section twelve hundred eighty-five-s of the public authorities law.

7. At the end of each fiscal year, each county, city, town, village, taxing district specific to water, sewer, or stormwater treatment and/or conveyance, and public authority that receives funding pursuant to this section shall submit an annual report to the department detailing how such money was used. The department shall compile all reports and submit them to the comptroller for their review. Once a report is finalized, it shall be made publicly available on the department's website. The department and the comptroller shall reserve the right to conduct site visits to ensure the money is being used accurately.

§ 3. Subdivision 2 of section 58-0903 of the environmental conservation law, as added by section 1 of part UU of chapter 59 of the laws of 2021, is amended to read as follows:

2. The department and the New York state environmental facilities corporation are authorized to provide state assistance payments or

grants to municipalities for projects authorized pursuant to paragraphs a, b, [~~and~~] d**, and h** of subdivision one of this section.

§ 4. Section 58-0901 of the environmental conservation law, as amended by section 8 of part OO of chapter 58 of the laws of 2022, is amended to read as follows:

§ 58-0901. Allocation of moneys.

Of the moneys received by the state from the sale of bonds pursuant to the environmental bond act of 2022 for disbursements for state assistance for water quality improvement projects as defined by title one of this article, not less than six hundred fifty million dollars ($650,000,000) shall be available for water quality improvement projects developed pursuant to section 58-0903 of this title. Not less than two hundred million dollars ($200,000,000) of this amount shall be available for wastewater infrastructure projects undertaken pursuant to the New York state water infrastructure improvement act of 2017 pursuant to paragraph e of subdivision one of section 58-0903 of this title, [~~and~~] not less than two hundred fifty million dollars ($250,000,000) shall be available for municipal stormwater projects pursuant to paragraph a of subdivision one of section 58-0903 of this title**; and not less than two hundred million dollars ($200,000,000) of this amount shall be available on a biennial basis for the pipeline investment for public environmental solutions program pursuant to section 58-0905 of this title**.

§ 5. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.