STATE OF NEW YORK

8486

2025-2026 Regular Sessions

IN SENATE

August 22, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to enacting the drinking water protection act

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

Section 1. Short title. This act shall be known and may be cited as the "drinking water protection act".

§ 2. The section heading of section 1100 of the public health law is amended and a new subdivision 6 is added to read as follows:

[~~Rules~~] **Watershed rules** and regulations [~~of the department~~]**; adoption and enforcement**.

6. (a) A supplier may draft watershed rules and regulations. After notice and hearing the department of health may approve, modify, or promulgate such rules, which shall have the force of law when filed with the department and published as required.

(b) As used in this subdivision, the following terms shall have the following meanings:

(i) "Watershed" means all land that drains to a drinking water source used by a supplier.

(ii) "Watershed rule and regulation" means a locally applicable enactment adopted or approved under this section that governs land use, activities, or discharges within the drainage area of a public drinking water source for the purpose of preventing contamination or otherwise protecting water quality.

(iii) "Emerging contaminant" means, but shall not be limited to, per- and polyfluoroalkyl substances, pharmaceuticals, microplastics, and cyanotoxins.

(iv) "Supplier" means a city, village, authority, water district, jointly owned water-works, or any municipality or water-works corporation supplying potable water.

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

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(c) A watershed rule and regulation may, at the discretion of the supplier and subject to approval by the department, address any matter reasonably related to protection of a public drinking water source, including but not limited to:

(i) delineation of intake or wellhead protection areas and activity restrictions therein;

(ii) reasonable standards for residential activities within the watershed, including limitations on fertilizer application and inspection, maintenance, repair or replacement of on-site wastewater treatment systems, where such activities occur within two hundred feet of a surface water body, watercourse, or wetland draining to a public drinking water intake or wellhead. Such standards may establish acceptable nutrient application rates, seasonal restrictions, and best management practices consistent with state guidance, and may require periodic inspection and pump-out of septic systems at intervals not to exceed five years;

(iii) management of nutrients, livestock access, and manure or fertilizer application to prevent impairments of public drinking water;

(iv) storm water, erosion control and post-construction run-off standards consistent with state pollutant discharge elimination system permits;

(v) storage, handling or application of petroleum products, chloride salts, hazardous substances or emerging contaminants;

(vi) inspection, permitting and enforcement mechanisms, including record keeping, entry onto property at reasonable times, notices of violation, compliance schedules, stop-work orders and civil or administrative penalties; and

(vii) public education, best management practice programs and any other measures reasonably related to preventing contamination of a public drinking water supply.

(d) Within one year after the effective date of this subdivision the department shall:

(i) issue an updated procedural manual describing the steps for drafting, reviewing and adopting watershed rules and regulations; and

(ii) publish on its website a model for the adoption of watershed rules and regulations, including sample policies and a process for engaging related stakeholders.

(e) (i) Any supplier whose existing watershed rules and regulations have not been updated since two thousand seventeen shall update their watershed rules and regulations no later than five years after this subdivision shall have taken effect or shall submit certification to the department that no such update is needed.

(ii) The department shall approve, modify or disapprove a draft within twelve months of receipt. The department's failure to act within that period constitutes approval.

(iii) If the department disapproves a draft, it shall state the required changes with specificity and shall act on a resubmission within six months.

(f) The department shall review each watershed rule and regulation at least once every ten years to determine whether revisions are needed considering new contaminants, climate impacts or advances in water quality science.

(g) Before approving or adopting a watershed rule or regulation the department shall consult with the supplier, affected municipalities, soil and water conservation districts, agricultural organizations and

watershed advocacy groups and shall hold at least one public hearing within the watershed.

(h) The department, any supplier with an adopted watershed rule or regulation, or their authorized designee, may, at reasonable times and upon prior notice of at least twenty-four hours when practicable, enter non-residential property within the watershed for the limited purpose of inspecting for compliance with applicable watershed rules and regulations. Entry shall be limited to areas reasonably related to the inspection purposes and shall not include access to dwellings or curtilage. Any designee shall be acting under the direct oversight of the department or supplier and shall be qualified to conduct such inspections.

(i) (i) The department or the attorney general may bring a civil action seeking a penalty of up to five hundred dollars for each day of violation of a watershed rule or regulation.

(ii) A watershed rule or regulation may authorize the supplier to assess and collect civil penalties for violations, provided that any such penalty shall not exceed five hundred dollars a day and shall be recoverable either in a civil action or through an administrative process established in the watershed rule or regulation.

(j) The supplier or suppliers or any municipality within the watershed has standing to seek judicial relief to compel the department to perform any non-discretionary duty imposed by this subdivision.

(k) The department shall submit an annual report to the governor, the temporary president of the senate, the speaker of the assembly, and the minority leaders of the senate and assembly that lists watershed rule and regulation adoptions or revisions completed during the prior year and summarizes enforcement actions and water quality trends.

(l) The department may adopt regulations necessary to implement and enforce this subdivision.

§ 3. Severability clause. 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.

§ 4. This act shall take effect one year after it shall have become a law.