§ 1113. Drinking water quality council; established. 1. There shall be established, within the department, the drinking water quality council. Such council shall be composed of twelve members as follows:

(a) the commissioner, or the commissioner's designee, who shall be the chair of the council;

(b) the commissioner of environmental conservation or designee;

(c) a designee of the commissioner of environmental conservation with expertise in water resources;

(d) a designee of the commissioner with expertise in drinking water; and

(e) eight members appointed by the governor, two of whom shall be recommended by the temporary president of the senate, and two by the speaker of the assembly.

2. (a) Of the four members appointed to the drinking water quality council and recommended by the temporary president of the senate and the speaker of the assembly, the temporary president of the senate and the speaker of the assembly shall each recommend:

(i) one member who represents water purveyors; and

(ii) one member representing the public, who has a background or expertise in toxicology or health risk assessment.

(b) Of the four additional members appointed to the drinking water quality council, the governor shall appoint:

(i) one member who represents water purveyors;

(ii) one member who has a background or expertise in toxicology or health risk assessment;

(iii) one member who has a background or expertise in microbiology; and

(iv) one member who has a background or expertise in environmental engineering.

(c) The members of such council appointed pursuant to paragraph (e) of subdivision one of this section shall serve terms of two years.

(d) The members appointed pursuant to paragraph (e) of subdivision one of this section shall each serve his or her term of office or until his or her successor is appointed; provided that any vacancy in the position of an appointed member shall be filled in the same manner as the original appointment and only for the unexpired term of the vacancy.

3. The members of the drinking water quality council shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this title.

4. The drinking water quality council shall meet at such times and places as may be determined by its chair. The council shall meet at a minimum of two times per year. All meetings shall be open to the public pursuant to article seven of the public officers law. A majority of the members of such council shall constitute a quorum for the transaction of business. Action may be taken, and motions and resolutions adopted, at any meeting by the affirmative vote of a majority of the full membership of the council.

5. The council shall make recommendations to the department relating to:

(a) those contaminants, which the department may list as emerging contaminants pursuant to section one thousand one hundred twelve of this title.

(i) In determining what substances shall be recommended as emerging contaminants the council shall, at a minimum, consider:

A. unregulated contaminants monitored pursuant to the federal Safe Drinking Water Act (42 USC § 300g-1) as amended from time to time;

B. substances that require regulation or monitoring when present in drinking water in other jurisdictions outside the state of New York;

C. pesticide chemicals for which the United States environmental protection agency has set human health benchmarks for drinking water;

D. substances found at sites in remedial programs located inside and outside the state of New York, including but not limited to inactive hazardous waste sites; and

E. waterborne pathogens and microbiological contaminants.

(ii) The council shall recommend a notification level for each recommended emerging contaminant.

(iii) The council shall recommend timeframes and frequencies in which testing should be required for the recommended emerging contaminants, allowing for variation based on circumstances such as the source of water, the region and size of the water system.

(iv) The council shall provide the department with its first list of recommended emerging contaminants and corresponding notification levels for which testing shall be required no later than one year from the initial meeting of the council, and the council shall update the list and recommend notification levels annually thereafter;

(b) a review of substances identified as emerging contaminants pursuant to section one thousand one hundred twelve of this title. Where appropriate the council shall recommend either a maximum contaminant level (MCL), or the removal of the substance from the list of emerging contaminants, on the basis of available scientific evidence and any other relevant factors;

(c) the form and content of public notifications issued pursuant to section one thousand one hundred twelve of this title;

(d) working with other state agencies and the federal government to ensure funds are available and accessible, parties known to be responsible for contamination are pursued, and mitigation, remediation, and cleanup projects occur in a timely manner;

(e) the development of educational materials regarding private well water testing;

(f) the appropriate use of, and methods and manner of conducting, biomonitoring and biomonitoring studies;

(g) the inclusion of information on the online tracking and mapping system established in section 3-0315 of the environmental conservation law; and

(h) anything else the department or the department of environmental conservation designates.

6. The drinking water quality council shall be entitled to request and receive information from any state, municipal department, board, commission or agency that may be required or are deemed necessary for the purposes of such council, including but not limited to all water

information and annual reports the department has relating to both public and private water supplies.

7. Before the council advances any recommendation to the department, the council shall provide an opportunity for public and stakeholder comments. Final recommendations of the council shall be posted on the department's website within thirty days after the council adopts such recommendations.