§ 190-g. Water quality treatment districts. 1. The town board of any town is hereby authorized to establish or extend a water quality treatment district, or more than one such district, for the purposes of (a) procuring by purchase, lease or other means, and installing water quality treatment units or devices, if required; providing periodic testing and monitoring of raw and finished water from private wells in the district; monitoring, modifying, repairing, replacing, operation and maintenance, regenerating water quality treatment units and devices and the administering of the treatment and disposal of residuals generated in the operation of the district pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law; (b) assisting local, state and federal agencies and officials in efforts to establish causes of, and implement remedial measures to reduce, water contamination and protect future water resources within the district; (c) conduct public meetings and issue an annual public report to members of the district on the operation, financial position and water quality condition of said district.

2. A water quality treatment district established hereunder may consist of noncontiguous or contiguous benefited parcels of property and shall be created by a resolution of the town board, upon petition after a public hearing. The petition may be executed and acknowledged by one or more of the owners of taxable real property of record situated within the town whose private well water is contaminated and at the time the petition is executed and acknowledged, notice and copy of such petition shall be submitted to the state department of health. Upon a petition signed and acknowledged the town board may, or on its own motion, after a public hearing, assemble data relating to the number and location of private wells within the town, the contaminants present in the water supply in such town's private wells, (for the purposes of this section, "contaminants" shall mean those substances found in amounts or concentrations which violate federal, state or local laws, guidelines or rules and regulations relating to drinking water or which may pose a risk to public health), the extent of contamination of the water supply in the town's private wells, and the availability of appropriate treatment technologies for the contaminants found to be present, or

which are reasonably expected to be found, currently or in the future, in the water supply in the town's private wells. Upon presentation of the petition or on its own motion, the town board may direct or cause maps and plans to be prepared, provided however, that if the owner or owners of taxable real property undertake to furnish or pay the cost of such maps and plans at his or their cost and expense, the town board shall accept or prepare the same or the town board may adopt a resolution, subject to a permissive referendum, appropriating a specific amount to pay the cost of preparing a general map and plan for providing water quality treatment units or devices and related services. The town board may determine that such maps and plans shall be prepared by or under the supervision of town officers and employees to be designated by the town board, or by persons to be employed for that purpose, or the town board may contract for the preparation thereof, within the limitations of the amount appropriated. Except as otherwise provided herein, the expense incurred for the preparation of such maps and plans shall be a town charge, and shall be assessed, levied and collected in the same manner as other town charges. If the town board shall thereafter establish or extend a water quality treatment district, the expense incurred by the town for the preparation of the maps and plans therefor shall be deemed to be part of the cost of such improvement, and the town shall be reimbursed the amount paid therefor, or such portion of that amount which the town board, at the public hearing held pursuant to section one hundred ninety-four of this chapter, shall allocate against such district. Nothing in this section contained, or in any other section of this act, shall be construed to prevent the financing, in whole or in part, of expenditures by private sources, grants or by other means. All such maps and plans shall be filed with the town clerk. Such maps and plans shall show (1) the location of all benefited parcels of properties with water quality treatment units or devices installed prior to the formation of the district and/or those properties requiring installation of water quality treatment units or devices and the mode and frequency of testing, monitoring, modifying if required, operation and maintenance, regenerating of such water quality treatment units or devices and the administering of the treatment and disposal of residuals and any other requirements pursuant to rules and regulations adopted by the public health and health planning council under section two hundred

twenty-five of the public health law, and (2) estimates of the costs of procurement, installation, monitoring, testing, modifying, if required, operation and maintenance, regenerating of such water quality treatment units or devices and the treatment and disposal of residuals, and the method of financing the same. Any water quality treatment unit or device which has been installed prior to the formation of the district must be approved pursuant to rules and regulations adopted by the public health and health planning council under section two hundred twenty-five of the public health law, prior to acceptance of such unit or device and its benefited property within the district.

3. Maps and plans shall be submitted to and approved or denied, in writing, by the state department of health. Copy of such notice of approval or denial shall be filed in the office of the clerk of the town in which the proposed district or extension is located. No public hearing shall be called to establish or extend a water quality treatment district until such maps and plans have been approved by the state department of health.

4. After such maps and plans shall have been approved by the state department of health, the town board shall, by resolution designate the place where and time when a public hearing will be held to consider the establishment or extension of a water quality treatment district. The town board shall cause a notice of such hearing to be published and posted in the manner prescribed in section one hundred ninety-three. The notice shall comply with the requirements of section one hundred ninety-three as to content, except that no recitation of the filing of a petition shall be made. The notice of public hearing shall recite in general terms the purpose thereof and describe the location or locations of the proposed district or extension.