

1 b. sections three and five of this act shall take effect July 1, 2017;
2 and

3 c. section six of this act shall expire April 1, 2019; however, such
4 expiration shall not invalidate or otherwise impact any sale of accounts
5 receivable effected pursuant to such section prior to its expiration.

6 PART T

7 Section 1. This act shall be known and may be cited as the "clean
8 water infrastructure act of 2017".

9 § 2. Article 15 of the environmental conservation law is amended by
10 adding a new title 33 to read as follows:

11 TITLE 33

12 SOURCE WATER PROTECTION PROJECTS

13 Section 15-3301. Definitions.

14 15-3303. Land acquisition projects for source water protection.

15 15-3305. Approval and execution of projects.

16 § 15-3301. Definitions.

17 As used in this title the following terms shall mean:

18 1. "Land acquisition projects" means open space acquisition projects
19 undertaken with willing sellers including, but not limited to, the
20 purchase of conservation easements, undertaken by a municipality, a
21 not-for-profit corporation, or purchase of conservation easements by a
22 soil and water conservation district.

23 2. "Municipality" means the same as such term as defined in section
24 56-0101 of this chapter.

25 3. "Not-for-profit corporation" means a corporation formed pursuant to
26 the not-for-profit corporation law and qualified for tax-exempt status
27 under the federal internal revenue code.

28 4. "Soil and water conservation district" means the same as such term
29 as defined in section three of the soil and water conservation districts
30 law.

31 5. "State assistance payment" means payment of the state share of the
32 cost of projects authorized by this title to preserve, enhance, restore
33 and improve the quality of the state's environment.

34 § 15-3303. Land acquisition projects for source water protection.

35 1. The commissioner is authorized to provide state assistance to muni-
36 cipalities, not-for-profit corporations and soil and water conservation
37 districts to undertake land acquisition projects for source water
38 protection, in cooperation with willing sellers. Land acquisition
39 projects for source water protection shall support, expand or enhance
40 drinking water quality protection, including but not limited to aqui-
41 fers, watersheds, reservoirs, lakes, rivers and streams.

42 2. a. Any buffer encumbered by a conservation easement acquired pursu-
43 ant to this section that encumbers lands used in agricultural production
44 as defined in section three hundred one of the agriculture and markets
45 law in a county designated state certified agricultural district created
46 under section three hundred three of the agriculture and markets law may
47 allow agricultural activity that qualifies such lands, provided such
48 activity on such lands does not impair drinking water and complies with
49 an agricultural environmental management program plan developed by the
50 state soil and water conservation committee, in partnership with the
51 department.



1 b. Notwithstanding any limitations provided herein on lands acquired
2 pursuant to this title a license or easement may be granted by the owner
3 of such property to a public utility for a public purpose.

4 3. In evaluating land acquisition projects for source water protection
5 pursuant to this section, the department shall give priority to projects
6 which protect or recharge drinking water sources and watersheds includ-
7 ing riparian buffers and wetlands.

8 4. a. No state assistance may be provided pursuant to this section to
9 fund any land acquisition project which is undertaken by eminent domain
10 unless such process is undertaken with a willing seller.

11 b. The department shall not provide funding pursuant to this title for
12 any land acquisition project for source water protection by a not-for-
13 profit corporation, if any town, village or city within which such a
14 project is located, by resolution, within ninety days of notification by
15 such corporation of its interest in acquiring such projects, objects to
16 such acquisition.

17 5. Consistent with section eleven-b of the soil and water conservation
18 districts law, the soil and water conservation committee in consultation
19 with the commissioner of agriculture and markets is authorized to
20 provide state assistance payments to county soil and water conservation
21 districts, within amounts appropriated, for land acquisition projects
22 for source water protection projects to support, expand or enhance
23 drinking water quality protection, including but not limited to aqui-
24 fers, watersheds, reservoirs, lakes, rivers and streams. Such committee
25 shall give priority to projects which establish buffers from waters
26 which serves as or are tributaries to drinking water supplies for such
27 projects using state assistance pursuant to this section.

28 6. Real property acquired, developed, improved, restored or rehabili-
29 tated by or through a municipality or not-for-profit corporation with
30 funds made available pursuant to this title shall not be sold, leased,
31 exchanged, donated or otherwise disposed of or used for other than the
32 public purposes of this title without the express authority of an act of
33 the legislature, which shall provide for the substitution of other lands
34 of equal environmental value and fair market value and reasonably equiv-
35 alent usefulness and location to those to be discontinued, sold or
36 disposed of, and such other requirements as shall be approved by the
37 commissioner.

38 7. If the state acquires a real property interest in land purchased by
39 a municipality or not-for-profit with funds made available pursuant to
40 this title, the state shall pay the fair market value of such interest
41 less the amount of funding provided by the state pursuant to this
42 section.

43 8. To the fullest extent practicable, it is the policy of the state to
44 promote an equitable regional distribution of funds, consistent with the
45 purpose of this section.

46 § 15-3305. Approval and execution of projects.

47 1. Land acquisition projects for source water protection may be under-
48 taken pursuant to the provisions of this article and other applicable
49 provisions of law only with the approval of the commissioner.

50 2. The commissioner shall review such project application and may
51 approve, disapprove or recommend modifications thereto consistent with
52 applicable law, criteria, standards or rules and regulations relative to
53 such projects. In reviewing applications for projects pursuant to this
54 section, the commissioner shall give due consideration to:

55 a. the project's contribution to the protection of drinking water
56 supplies;

1 b. the presence of a water plan, including a source water
2 assessment/protection plan or other similar plan which identifies meas-
3 ures to reduce threats to drinking water sources and priorities for land
4 acquisition projects; and,

5 c. financial need or hardship.

6 3. All land acquisition projects shall be undertaken in the state of
7 New York. The total amount of the state assistance payments toward the
8 cost of any such project shall be set forth in any request for proposal
9 issued to solicit projects and will in no event exceed seventy-five
10 percent of the cost.

11 For the purpose of determining the amount of the state assistance
12 payments, the cost of the project shall not be more than the amount set
13 forth in the application for state assistance payments approved by the
14 commissioner. The state assistance payments toward the cost of a project
15 shall be paid on audit and warrant of the state comptroller on a certifi-
16 cate of availability of the director of the budget.

17 4. a. The commissioner and a municipality may enter into a contract
18 for the undertaking by the municipality of a source water protection
19 project. Such project shall be recommended to the commissioner by the
20 governing body of the municipality and, when approved by the commission-
21 er, may be undertaken by the municipality pursuant to this title and any
22 other applicable provision of law.

23 b. The commissioner and a not-for-profit corporation may enter into a
24 contract for the undertaking by the not-for-profit corporation of a
25 source water protection project. Such a project shall be recommended to
26 the commissioner by the governing body of a not-for-profit corporation
27 which demonstrates to the satisfaction of the commissioner that it is
28 capable of operating and maintaining such property for the benefit of
29 drinking water and/or water quality protection. Upon approval by the
30 commissioner, such project may be undertaken pursuant to the provisions
31 of this title and any other applicable provision of law.

32 5. No monies shall be expended for source water protection land acqui-
33 sition projects except pursuant to an appropriation therefor.

34 § 3. The public health law is amended by adding a new section 1114 to
35 read as follows:

36 § 1114. Lead service line replacement grant program. 1. To the extent
37 practicable, the department shall allocate appropriated funds equitably
38 among regions of the state. Within each region, the department shall
39 give priority to municipalities that have a high percentage of elevated
40 childhood blood lead levels, based on the most recent available data. In
41 distributing the awards allocated for each region to such priority muni-
42 cipalities, the department shall also consider whether the community is
43 low income and the number of lead service lines in need of replacement.
44 The department may request that such municipalities provide such
45 documentation as the department may require to confirm award eligibil-
46 ity.

47 2. The department shall publish information, application forms, proce-
48 dures and guidelines relating to the program on its website and in a
49 manner that is accessible to the public and all potential award recipi-
50 ents.

51 § 4. Article 27 of the environmental conservation law is amended by
52 adding a new title 12 to read as follows:

53 TITLE 12

54 MITIGATION AND REMEDIATION OF CERTAIN SOLID WASTE SITES AND
55 DRINKING WATER CONTAMINATION

1 Section 27-1201. Definitions.

2 27-1203. Mitigation and remediation of solid waste sites.

3 27-1205. Mitigation of contaminants in drinking water.

4 27-1207. Use and reporting of the solid waste mitigation account
5 and the drinking water response account.

6 27-1209. Rules and regulations.

7 27-1211. Protection against liability and liability exemptions
8 and defenses.

9 § 27-1201. Definitions.

10 When used in this title:

11 1. "Contaminant" means emerging contaminants pursuant to section elev-
12 en hundred twelve of the public health law, and, for solid waste sites,
13 shall include parameters identified in regulations required to be tested
14 by landfills to ensure the protection of groundwater quality.

15 2. "Contamination" or "contaminated" means the presence of a contam-
16 inant in any environmental media, including soil, surface water, or
17 groundwater, sufficient to cause or substantially contribute to an
18 exceedance of standards, criteria, and guidance values established by
19 the department or drinking water standards, including maximum contam-
20 inant levels, notification levels, maximum residual disinfectant levels
21 or action levels established by the department of health.

22 3. "Drinking water contamination site" means any area or site that is
23 causing or substantially contributing to the contamination of one or
24 more public drinking water supplies.

25 4. "Drinking water response account" means the account established
26 pursuant to subdivision one of section ninety-seven-b of the state
27 finance law.

28 5. "Mitigation" means the investigation, sampling, management, or
29 treatment of a solid waste site or drinking water contamination site
30 required to ensure the availability of safe drinking water, including
31 public water systems and individual onsite water supply systems neces-
32 sary to meet standards, criteria, and guidance values established by the
33 department or drinking water standards, including maximum contaminant
34 levels, notification levels, maximum residual disinfectant levels, or
35 action levels established by the department of health that can be
36 successfully carried out with available, implementable and cost-effec-
37 tive technology. "Mitigation" activities include but are not limited to
38 the installation of drinking water treatment systems, the provision of
39 alternative water supplies, or repair of a landfill cap. "Mitigation"
40 does not mean remediation.

41 6. "Solid waste site" means a site where (a) the department has a
42 reasonable basis to suspect that the illegal disposal of solid waste
43 occurred or, (b) a court of competent jurisdiction has determined that
44 an illegal disposal of solid waste occurred, or (c) the department knows
45 or has a reasonable basis to suspect that an inactive solid waste
46 management facility which does not have a current monitoring program is
47 impacting or contaminating one or more drinking water supplies. Solid
48 waste site shall not include a site which is currently subject to inves-
49 tigation or remediation pursuant to title thirteen or fourteen of this
50 article or any site which completed such programs and was either
51 delisted by or received a certificate of completion from the department.

52 7. "Solid waste mitigation account" means the account established
53 pursuant to subdivision one of section ninety-seven-b of the state
54 finance law.

55 8. "Solid waste management facility" means any facility employed for
56 solid waste collection, processing and disposal including processing

1 systems, including resource recovery facilities or other facilities for
2 reducing solid waste volume, sanitary landfills, regulated facilities
3 for the disposal of construction and demolition debris, regulated plants
4 and facilities for compacting, composting or pyrolyzation of solid
5 wastes, regulated mulch facilities, landspreading and soil amending
6 operations, and incinerators.

7 § 27-1203. Mitigation and remediation of solid waste sites.

8 1. The solid waste site priority in this state is to mitigate and
9 remediate any solid waste site causing or substantially contributing to
10 impairments of drinking water quality which may impact public health.

11 2. The department shall, in conjunction with the department of health,
12 develop a system to select and prioritize sites for mitigation and reme-
13 diation, considering the effects on the health of the state.

14 3. Beginning July first, two thousand nineteen and annually thereaft-
15 er, the department shall prepare and submit to the governor and the
16 legislature a comprehensive plan designed to mitigate and remediate
17 solid waste sites. This plan shall establish a solid waste site miti-
18 gation and remediation priority list.

19 4. The department is authorized to conduct preliminary investigations
20 to determine if a solid waste site is causing or substantially contrib-
21 uting to imminent or documented drinking water source contamination. The
22 department, and any employee, agent, consultant or other person acting
23 at the direction of the department, shall have the authority to enter
24 all solid waste sites for the purpose of preliminary investigation,
25 mitigation and remediation, provided that the department has made a
26 reasonable effort to identify the owner of such property to notify such
27 owner of the intent to enter the property at least ten days in advance.
28 In the event the commissioner of health makes a written determination
29 that such ten day notice will not be sufficient to protect public
30 health, two days' written notice shall be sufficient. Any inspection of
31 the property and each taking of samples shall take place at reasonable
32 times and shall be commenced and completed with reasonable promptness.
33 Such preliminary investigation shall include:

34 a. conducting or causing to be conducted field investigations of high
35 priority sites identified in the plan established pursuant to subdivi-
36 sion three of this section for the purpose of further defining necessary
37 mitigation and remediation, if any. To the maximum extent practicable,
38 the department shall utilize existing information including, but not
39 limited to, subsurface borings and any analyses or tests of samples
40 taken from such sites by owners or operators, other responsible persons
41 and any federal or non-federal agencies;

42 b. making any subsurface borings and any analyses or tests of samples
43 taken as may be necessary or desirable to effectuate the field investi-
44 gations of sites as required under this section subject to the require-
45 ments of this title. If the owner of a solid waste site can be identi-
46 fied, the department shall provide such owner with a minimum of ten
47 days' written notice of the intent to take such borings or samples in
48 accordance with the provisions of subdivision twelve of section 27-1205
49 of this title. If any analysis is made of such samples, a copy of the
50 results of such analysis shall be furnished promptly to the owner or
51 operator. Upon the completion of all sampling activities, the department
52 or authorized person shall remove, or cause to be removed, all equipment
53 and well machinery and return the ground surface of the property to its
54 condition prior to such sampling, unless the department or authorized
55 person, and the owner of the property shall otherwise agree;

1 c. making any record searches or document reviews as may be necessary
2 or desirable to effectuate the purposes of this section subject to the
3 requirements of this title.

4 5. If the department or the department of health, as appropriate,
5 determines that a solid waste site poses a significant threat to the
6 public health or environment due to hazardous waste, the department
7 shall refer the site to the inactive hazardous waste disposal site reme-
8 dial program pursuant to title thirteen of this article.

9 6. Where the department has determined through a preliminary investi-
10 gation conducted pursuant to subdivision four of this section that a
11 solid waste site is causing or substantially contributing to contam-
12 ination of a public drinking water supply, the owner or operator of a
13 solid waste site shall, at the department's written request, cooperate
14 with any and all remedial measures deemed necessary and which shall be
15 undertaken by the department, in conjunction with the department of
16 health, for the mitigation and remediation of a solid waste site or area
17 which is necessary to ensure that drinking water meets applicable stand-
18 ards, including maximum contaminant levels, notification levels, maximum
19 residual disinfectant levels, or action levels established by the
20 department of health. The department may implement necessary measures to
21 mitigate and remediate the solid waste site within amounts appropriated
22 for such purposes from the solid waste mitigation account.

23 § 27-1205. Mitigation of contaminants in drinking water.

24 1. Whenever the commissioner of health has required a public water
25 system to take action to reduce exposure to an emerging contaminant or
26 emerging contaminants and has determined that the concentration of the
27 emerging contaminant constitutes an actual or potential threat to public
28 health based on the best available scientific information pursuant to
29 section eleven hundred twelve of the public health law, the department
30 in conjunction with the department of health, may, pursuant to the Clean
31 Water Infrastructure Act of 2017 and within the up to one hundred thirty
32 million dollars appropriated for such purposes, undertake all reasonable
33 and necessary additional mitigation measures in any area of the state in
34 which contamination is known to be present. The department shall employ
35 feasible measures that can be successfully carried out with available,
36 implementable and cost effective technology. Such area shall include, at
37 a minimum, all properties served by the public water system, any indi-
38 vidual onsite water supply systems impacted by the contamination, and
39 any land and any surface or underground water sources impacted by the
40 contamination. Such approved measures shall be protective of public
41 health and may include but not be limited to the installation of treat-
42 ment systems or the provision of alternative water supply sources to
43 ensure that drinking water meets applicable standards, including maximum
44 contaminant levels, notification levels, maximum residual disinfectant
45 levels, or action levels established by the department of health.

46 2. If the department or the department of health, as applicable,
47 determines that a drinking water contamination site poses a significant
48 threat to the public health or environment from a hazardous waste, the
49 department shall refer the site to the inactive hazardous waste disposal
50 site remedial program pursuant to title thirteen of this article.

51 3. Whenever the commissioner of health has required a public water
52 system to take action to reduce exposure to emerging contaminants and
53 has determined that the concentration of the emerging contaminant
54 constitutes an actual or potential threat to public health based on the
55 best available scientific information pursuant to section eleven hundred
56 twelve of the public health law:

1 a. the department shall have the authority to undertake directly in
2 conjunction with the department of health, the development and implemen-
3 tation of all necessary and reasonable mitigation and remediation meas-
4 ures of drinking water contamination, as approved by the department of
5 health, to address emerging contaminants in public water supplies;

6 b. the commissioner may order, after notice and opportunity for a
7 hearing, the owner and/or operator of the drinking water contamination
8 site and/or any person responsible for such contamination to undertake
9 all reasonable and necessary mitigation and remediation, as approved by
10 the department of health, to ensure that drinking water meets applicable
11 standards, including maximum contaminant levels, notification levels,
12 maximum residual disinfectant levels, or action levels established by
13 the department of health, and employ feasible measures that can be
14 successfully carried out with available, implementable and cost effec-
15 tive technology, subject to the approval of the department and the
16 department of health, at such site, and to implement such program within
17 reasonable time limits specified in the order. Provided, however, that
18 in the event the commissioner of health shall issue an order pursuant to
19 subdivision three of section one thousand three hundred eighty-nine-b of
20 the public health law, such order of the commissioner of health shall
21 supersede any order issued hereunder.

22 4. The department shall have the authority a. to delegate responsibil-
23 ity for a specific drinking water contamination site to the municipality
24 in which such site is located and b. to contract with any other person
25 to perform necessary work in connection with such sites.

26 5. Section eight of the court of claims act or any other provision of
27 law to the contrary notwithstanding, the state shall be immune from
28 liability and action with respect to any act or omission done in the
29 discharge of the department's aforesaid responsibility pursuant to this
30 title; provided, however, that this subdivision shall not limit the
31 liability which may otherwise exist for unlawful, willful, or malicious
32 acts or omissions on the part of the state, state agencies, or their
33 officers, employees or agents; or for the ownership or responsibility
34 for the disposal of such contaminant, including liability for the cost
35 of remediation, pursuant to this section.

36 6. Whenever the commissioner of health, after investigation, finds:
37 a. that a public drinking water contamination site represents an actu-
38 al or potential threat to the public health; and
39 b. the threat makes it prejudicial to the public interest to delay
40 action until a hearing can be held pursuant to this title, the depart-
41 ment may, pursuant to paragraph a of subdivision three of this section
42 and within the funds available to the department from the drinking water
43 response account, develop and implement, in conjunction with the depart-
44 ment of health, all reasonable and necessary mitigation and remedial
45 measures to address drinking water contamination for such site to ensure
46 that drinking water meets applicable standards, including maximum
47 contaminant levels, notification levels, maximum residual disinfectant
48 levels or action levels established by the department of health. Find-
49 ings required pursuant to this subdivision shall be in writing and may
50 be made by the commissioner of health on an ex parte basis subject to
51 judicial review.

52 7. Any order issued pursuant to paragraph b of subdivision three of
53 this section shall be issued only after notice and the opportunity for a
54 hearing is provided to persons who may be the subject of such order.
55 The commissioner or the commissioner of health shall determine which
56 persons are responsible pursuant to said subdivision according to appli-

1 cable principles of statutory or common law liability. Such persons
2 shall be entitled to raise any defense set forth in section 27-1211 of
3 this title or common law defense at any such hearing and such defenses
4 shall have the same force and effect at such hearings as they would have
5 in a court of law. In the event a hearing is held, no order shall be
6 issued by the commissioner under subdivision three of this section until
7 a final decision has been rendered. Any such order shall be reviewable
8 pursuant to article seventy-eight of the civil practice law and rules
9 within thirty days after service of such order. The commissioner or the
10 commissioner of health may request the participation of the attorney
11 general in such hearings.

12 8. The commissioner shall make all reasonable efforts, in accordance
13 with the requirements of subdivision six of section ninety-seven-b of
14 the state finance law, to recover all mitigation costs incurred pursuant
15 to subdivisions one and three of this section from the owner and/or
16 operator of the drinking water contamination site.

17 9. When a municipality develops and implements remediation to address
18 a drinking water contamination site, determined pursuant to subdivision
19 four of this section, and the plan is approved by the department, in
20 conjunction with the department of health, which is owned or has been
21 operated by such municipality or when the department, in conjunction
22 with the department of health, pursuant to an agreement with a munici-
23 pality, develops and implements such remediation, the commissioner
24 shall, in the name of the state, agree in such agreement to provide from
25 the drinking water response account, within the limitations of appropri-
26 ations therefor, seventy-five percent of the eligible design and
27 construction costs of such program for which such municipality is liable
28 solely because of its ownership and/or operation of such site and which
29 are not recovered from or reimbursed or paid by a responsible party or
30 the federal government.

31 10. Nothing contained within this section shall be construed as
32 impairing or in any manner affecting the right or jurisdiction of the
33 attorney general to seek appropriate relief pursuant to his or her stat-
34 utory or common law authority.

35 11. Moneys for actions taken or to be taken by the department, the
36 department of health or any other state agency pursuant to this title
37 shall be payable directly to such agencies from the drinking water
38 response account pursuant to section ninety-seven-b of the state finance
39 law.

40 12. a. Every person shall, upon the written request of the commission-
41 er or a designee, permit a duly designated officer or employee of the
42 department at all reasonable times to have access to and to copy all
43 books, papers, documents and records pertinent to an ongoing investi-
44 gation of drinking water contamination identified in section 27-1203 of
45 this title.

46 b. The commissioner may sign and issue subpoenas in the name of the
47 department requiring the production of books, papers, documents and
48 other records and may take testimony by depositions under oath of any
49 person relating to the ongoing investigation of a drinking water contam-
50 ination identified in this title. Such subpoenas and depositions shall
51 be regulated by the state of New York's civil practice law and rules.
52 The commissioner may invoke the powers of the supreme court of the state
53 of New York to compel compliance with any such subpoena or any request
54 to take such depositions.

55 c. When the department has substantial evidence that such drinking
56 water contamination site is causing or substantially contributing to the

1 contamination of drinking water, and subject to the applicable notice
2 provisions set forth in paragraph d of this subdivision, any duly desig-
3 nated officer or employee of the department, or of any state agency, and
4 any agent, consultant, contractor, or other person, including an employ-
5 ee, agent, consultant, or contractor of a responsible person acting at
6 the direction of the department, so authorized in writing by the commis-
7 sioner, may enter any drinking water contamination site and areas near
8 such site and inspect and take samples of wastes, soil, air, surface
9 water, and groundwater. In order to take such samples, the department or
10 authorized person may utilize or cause to be utilized such sampling
11 methods as it determines to be necessary including, but not limited to,
12 soil borings and monitoring wells.

13 d. The department or authorized person shall not take any samples
14 involving the substantial disturbance of the ground surface of any prop-
15 erty unless it has made a reasonable effort to identify the owner of the
16 property and to notify such owner of the intent to take such samples. If
17 the owner can be identified, the department shall provide such owner
18 with a minimum of ten days' written notice of the intent, unless such
19 owners and occupants consent to an earlier date, to take such samples,
20 unless the commissioner makes a written determination that such ten day
21 notice will not allow the department to protect the environment or
22 public health, in which case two days' written notice shall be suffi-
23 cient. Any inspection of the property and each such taking of samples
24 shall take place at reasonable times and shall be commenced and
25 completed with reasonable promptness. If any officer, employee, agent,
26 consultant, contractor, or other person so authorized in writing by the
27 commissioner obtains any samples prior to leaving the premises, he or
28 she shall give to the owner or operator a receipt describing the sample
29 obtained and, if requested, a portion of such sample equal in volume or
30 weight to the portion retained. If any analysis is made of such samples,
31 a copy of the results of such analysis shall be furnished promptly to
32 the owner or operator. Upon the completion of all sampling activities,
33 the department or authorized person shall remove, or cause to be
34 removed, all equipment and well machinery and return the ground surface
35 of the property to its condition prior to such sampling, unless the
36 department or authorized person, and the owner of the property shall
37 otherwise agree.

38 e. The expense of any such mitigation by the department or the depart-
39 ment of health shall be paid by the drinking water response account, but
40 may be recovered from any responsible person in any action or proceeding
41 brought pursuant to the state finance law, this title, other state or
42 federal statute, or common law if the person so authorized in writing is
43 an employee, agent, consultant, or contractor of a responsible person
44 acting at the direction of the department, then the expense of any such
45 sampling and analysis shall be paid by the responsible person.

46 f. Any duly designated officer or employee of the department or any
47 other state agency, and any agent, consultant, contractor, or other
48 person acting at the direction of the department, authorized in writing
49 by the commissioner, may enter any drinking water contamination site and
50 areas near such site to undertake all reasonable and necessary miti-
51 gation and remediation for such site, provided: (a) the commissioner has
52 sent a written notice to the owners of record or any known occupants of
53 such site or nearby areas of the intended entry and work at least ten
54 days prior to such initial entry unless such owners and occupants
55 consent to an earlier date; and (b) the department has substantial
56 evidence that such drinking water contamination site is causing or

1 substantially contributing to the contamination of drinking water. In
2 the event the commissioner of health makes a written determination that
3 such ten day notice will not be sufficient to protect public health, two
4 days' written notice shall be sufficient.

5 § 27-1207. Use and reporting of the solid waste mitigation account and
6 the drinking water response account.

7 1. Pursuant to the clean water infrastructure act of two thousand
8 seventeen and within the up to one hundred thirty million dollars appro-
9 priated for such purposes, mitigation and remediation efforts to address
10 public drinking water contamination from emerging contaminants and solid
11 waste sites causing or substantially contributing to drinking water
12 impairment that impacts public health may be conducted in accordance
13 with this title.

14 2. The solid waste mitigation account shall be made available to the
15 department and the department of health, as applicable, for the follow-
16 ing purposes:

17 a. enumeration and assessment of solid waste sites;

18 b. investigation and environmental characterization of solid waste
19 sites, including environmental sampling;

20 c. mitigation and remediation of solid waste sites;

21 d. monitoring of solid waste sites; and

22 e. administration and enforcement of the requirements of section
23 27-1203 of this title.

24 3. The drinking water response account shall be made available to the
25 department and the department of health, as applicable, for the follow-
26 ing purposes:

27 a. mitigation of drinking water contamination;

28 b. investigation of drinking water contamination;

29 c. remediation of drinking water contamination; and

30 d. administration and enforcement of the requirements of this title
31 except the provisions of section 27-1203.

32 4. On or before July first, two thousand nineteen and July first of
33 each succeeding year, the department shall report on the status of the
34 programs.

35 § 27-1209. Rules and regulations.

36 The department shall promulgate rules and regulations necessary and
37 appropriate to carry out the purposes of this title and shall at a mini-
38 imum include such provisions for requisite due process and meaningful
39 public participation as are appropriate to any action undertaken pursu-
40 ant to this title, taking into consideration the nature and degree of
41 any public health impacts and the urgency of any need for investigation
42 or remediation of contamination.

43 § 27-1211. Protection against liability and liability exemptions and
44 defenses.

45 In addition to common law defenses, the provisions of sections 27-1321
46 and 27-1323 of this article shall apply to a solid waste site that is
47 causing or substantially contributing to contamination of public drink-
48 ing water supplies or a drinking water contamination site pursuant to
49 this title and shall apply to emerging contaminants in the same way
50 applicable to hazardous materials and hazardous wastes.

51 § 5. Subdivisions 1, 2 and 6 and paragraphs (i) and (j) of subdivision
52 3 of section 97-b of the state finance law, subdivision 1 as amended and
53 paragraph (j) of subdivision 3 as added by section 4 of part I of chap-
54 ter 1 of the laws of 2003, subdivision 2 as amended by section 5 of part
55 X of chapter 58 of the laws of 2015, paragraph (i) of subdivision 3 as
56 amended by section 1 of part R of chapter 59 of the laws of 2007, subdi-

1 vision 6 as amended by chapter 38 of the laws of 1985, are amended and
2 two new paragraphs (k) and (l) are added to subdivision 3 to read as
3 follows:

4 1. There is hereby established in the custody of the state comptroller
5 a nonlapsing revolving fund to be known as the "hazardous waste remedial
6 fund", which shall consist of a "site investigation and construction
7 account", an "industry fee transfer account", an "environmental restora-
8 tion project account", "hazardous waste cleanup account", [and] a
9 "hazardous waste remediation oversight and assistance account", a
10 "solid waste mitigation account", and a "drinking water response
11 account".

12 2. Such fund shall consist of all of the following:

13 (a) moneys appropriated for transfer to the fund's site investigation
14 and construction account; (b) all fines and other sums accumulated in
15 the fund prior to April first, nineteen hundred eighty-eight pursuant to
16 section 71-2725 of the environmental conservation law for deposit in the
17 fund's site investigation and construction account; (c) all moneys
18 collected or received by the department of taxation and finance pursuant
19 to section 27-0923 of the environmental conservation law for deposit in
20 the fund's industry fee transfer account; (d) all moneys paid into the
21 fund pursuant to section 72-0201 of the environmental conservation law
22 which shall be deposited in the fund's industry fee transfer account;
23 (e) all moneys paid into the fund pursuant to paragraph (b) of subdivi-
24 sion one of section one hundred eighty-six of the navigation law which
25 shall be deposited in the fund's industry fee transfer account; (f) all
26 [monies] moneys recovered under sections 56-0503, 56-0505 and 56-0507 of
27 the environmental conservation law into the fund's environmental resto-
28 ration project account; (g) all fees paid into the fund pursuant to
29 section 72-0402 of the environmental conservation law which shall be
30 deposited in the fund's industry fee transfer account; (h) payments
31 received for all state costs incurred in negotiating and overseeing the
32 implementation of brownfield site cleanup agreements pursuant to title
33 fourteen of article twenty-seven of the environmental conservation law
34 shall be deposited in the hazardous waste remediation oversight and
35 assistance account; (i) all moneys recovered pursuant to title twelve of
36 article twenty-seven of the environmental conservation law into the
37 fund's drinking water response account; and [(i)] (j) other moneys cred-
38 ited or transferred thereto from any other fund or source for deposit in
39 the fund's site investigation and construction account.

40 (i) with respect to moneys in the hazardous waste remediation over-
41 sight and assistance account, non-bondable costs associated with hazard-
42 ous waste remediation projects. Such costs shall be limited to agency
43 staff costs associated with the administration of state assistance for
44 brownfield opportunity areas pursuant to section nine hundred seventy-r
45 of the general municipal law, agency staff costs associated with the
46 administration of technical assistance grants pursuant to titles thir-
47 teen and fourteen of article twenty-seven of the environmental conserva-
48 tion law, and costs of the department of environmental conservation
49 related to the geographic information system required by section 3-0315
50 of the environmental conservation law; [and]

51 (j) with respect to moneys in the hazardous waste remediation over-
52 sight and assistance account, technical assistance grants pursuant to
53 titles thirteen and fourteen of article twenty-seven of the environ-
54 mental conservation law[.];

55 (k) with respect to moneys in the solid waste mitigation account, when
56 allocated, shall be available to the department of environmental conser-

1 vation to undertake mitigation and remediation as the department of
2 environmental conservation may determine necessary related to a solid
3 waste site pursuant to title twelve of article twenty-seven of the envi-
4 ronmental conservation law which indicates that conditions on such prop-
5 erty are impairing drinking water quality and to ensure the provision of
6 safe drinking water, provided however, that no more than five million
7 dollars will be available annually for such account; and

8 (l) with respect to moneys in the drinking water response account,
9 when allocated, shall be available to the department of environmental
10 conservation, and to the department of health, to undertake mitigation
11 and remediation as the departments may determine necessary related to a
12 drinking water contamination site pursuant to title twelve of article
13 twenty-seven of the environmental conservation law which indicates that
14 conditions on such property are impairing drinking water quality,
15 provided however, that no more than twenty million dollars will be
16 available annually for such account.

17 6. The commissioner of the department of environmental conservation
18 shall make all reasonable efforts to recover the full amount of any
19 funds expended from the fund pursuant to paragraph (a) and paragraph (l)
20 of subdivision three of this section through litigation or cooperative
21 agreements with responsible persons. Any and all moneys recovered or
22 reimbursed pursuant to this section through voluntary agreements or
23 court orders shall be deposited with the comptroller and credited to the
24 account of such fund from which such expenditures were made.

25 § 6. 1. This section shall be known and be cited as the "New York
26 State water infrastructure improvement act of 2017".

27 2. For purposes of this act:

28 a. "water quality infrastructure project" shall mean "sewage treatment
29 works" as defined in section 17-1903 of the environmental conservation
30 law or "eligible project" as defined in paragraphs (a), (b), (c) and (e)
31 of subdivision 4 of section 1160 of the public health law.

32 b. "construction" shall mean:

33 (i) for sewage treatment works, the same as defined in section 17-1903
34 of the environmental conservation law; and

35 (ii) for eligible projects, the same meaning as defined in section
36 1160 of the public health law.

37 c. "municipality" shall mean any county, city, town, village, district
38 corporation, county or town improvement district, school district, Indi-
39 an nation or tribe recognized by the state or the United States with a
40 reservation wholly or partly within the boundaries of New York state,
41 any public benefit corporation or public authority established pursuant
42 to the laws of New York or any agency of New York state which is
43 empowered to construct and operate a water quality infrastructure
44 project, or any two or more of the foregoing which are acting jointly in
45 connection with a water quality infrastructure project.

46 3. a. The environmental facilities corporation shall undertake and
47 provide state financial assistance payments, from funds appropriated for
48 such purpose, to municipalities in support of water quality infrastruc-
49 ture projects provided, however, in any such year that funds are appro-
50 priated for such purpose, no municipality shall receive more than five
51 million dollars of appropriated funds. Such state financial assistance
52 payments shall be awarded only to water quality infrastructure projects
53 for:

54 (i) replacement or repair of infrastructure; or

55 (ii) compliance with environmental and public health laws and regu-
56 lations related to water quality.

1 b. Any state financial assistance payment awarded pursuant to this act
2 shall not exceed seventy-five percent of the project cost.

3 c. A municipality may make an application for such state financial
4 assistance payment, in a manner, form and timeframe and containing such
5 information as the environmental facilities corporation may require
6 provided however, such requirements shall not include a requirement for
7 prior listing on the intended use plan.

8 d. A municipality shall not be required to accept environmental facil-
9 ities corporation loan financing in order to obtain a state financial
10 assistance payment pursuant to this act if it can provide proof of
11 having obtained similarly low cost financing or other funding from
12 another source.

13 e. In awarding such financial assistance payments, the corporation
14 shall be prohibited from requiring as a condition of receipt, or other-
15 wise giving preference to, applicants who agree to participate in the
16 design, creation, or implementation of a municipal consolidation plan.

17 f. In awarding such state financial assistance payments, the environ-
18 mental facilities corporation shall consider and give preference to
19 municipalities that meet the hardship criteria established by the envi-
20 ronmental facilities corporation pursuant to section 1285-m of the
21 public authorities law and projects that result in the greatest water
22 quality improvement or greatest reduction in serious risk to public
23 health. For the purposes of this act, the hardship criteria of section
24 1285-m of the public authorities law shall also apply to sewage treat-
25 ment works as defined in section 17-1903 of the environmental conserva-
26 tion law.

27 g. Water quality infrastructure projects financed with state financial
28 assistance made available pursuant to this section shall be subject to
29 the requirements of article 8 of the labor law, the requirements of
30 article 17-B of the executive law and the requirements and provisions of
31 all applicable minority- and women-owned business mandates including,
32 but not limited to article 15-A of the executive law.

33 § 7. The public authorities law is amended by adding a new section
34 1285-s to read as follows:

35 § 1285-s. New York state intermunicipal water infrastructure grants
36 program. 1. For purposes of this section:

37 (a) "water quality infrastructure project" shall mean "sewage treat-
38 ment works" as defined in section 17-1903 of the environmental conserva-
39 tion law or "eligible project" as defined in paragraphs (a), (b), (c)
40 and (e) of subdivision four of section eleven hundred sixty of the
41 public health law.

42 (b) "construction" shall mean:

43 (i) for sewage treatment works, the same meaning as defined in section
44 17-1903 of the environmental conservation law; and

45 (ii) for eligible projects, the same meaning as defined in section one
46 thousand one hundred sixty of the public health law.

47 (c) "municipality" shall mean any county, city, town, village,
48 district corporation, county or town improvement district, school
49 district, Indian nation or tribe recognized by the state or the United
50 States with a reservation wholly or partly within the boundaries of New
51 York state, any public benefit corporation or public authority estab-
52 lished pursuant to the laws of New York or any agency of New York state
53 which is empowered to construct and operate an intermunicipal water
54 quality infrastructure project, or any two or more of the foregoing
55 which are acting jointly in connection with an intermunicipal water
56 quality infrastructure project.



1 2. (a) The environmental facilities corporation shall undertake and
2 provide state financial assistance payments, from funds appropriated for
3 such purpose, to municipalities in support of intermunicipal water qual-
4 ity infrastructure projects provided, however, in any such year that
5 funds are appropriated for such purpose, each project shall receive an
6 award of up to ten million dollars of appropriated funds; provided that
7 such monies shall not exceed sixty percent of the total project cost;
8 and provided further that the total state financial assistance payment
9 for the project does not represent a disproportionate share of the total
10 amount of available funding in any given year.

11 (b) Intermunicipal water quality infrastructure projects shall serve
12 multiple municipalities and may include a shared water quality infras-
13 tructure project or interconnection of multiple municipal water quality
14 infrastructure projects and shall be awarded only to water quality
15 infrastructure projects for:

16 (i) construction, replacement or repair of infrastructure provided,
17 however, that such assistance shall not be awarded for construction to
18 exclusively support residential or commercial development; or

19 (ii) compliance with environmental and public health laws and regu-
20 lations related to water quality.

21 (c) Cooperating municipalities may make an application for an intermu-
22 nicipal water infrastructure grant, in a manner, form and timeframe and
23 containing such information as the environmental facilities corporation
24 may require provided however, such requirements shall not include a
25 requirement for prior listing on the intended use plan.

26 (d) Cooperating municipalities shall not be required to accept envi-
27 ronmental facilities corporation loan financing in order to obtain a
28 state financial assistance payment pursuant to this section if it can
29 provide proof of having obtained similarly low cost financing or other
30 funding from another source.

31 (e) In awarding financial assistance payments, the corporation shall
32 be prohibited from requiring as a condition of receipt, or otherwise
33 giving preference to, applicants who agree to participate in the design,
34 creation, or implementation of a municipal consolidation plan.

35 3. Intermunicipal water quality infrastructure projects financed with
36 state financial assistance made available pursuant to this section shall
37 be subject to the requirements of article eight of the labor law, the
38 requirements of article seventeen-B of the executive law and the
39 requirements and provisions of all applicable minority- and women-owned
40 business mandates including, but not limited to article fifteen-A of the
41 executive law.

42 § 8. The public authorities law is amended by adding a new section
43 1285-t to read as follows:

44 § 1285-t. Water infrastructure emergency financial assistance. 1. For
45 purposes of this section, "municipality" means any county, city, town,
46 village, district corporation, county or town improvement district,
47 school district, Indian nation or tribe recognized by the state or the
48 United States with a reservation wholly or partly within the boundaries
49 of New York state, any public benefit corporation or public authority
50 established pursuant to the laws of New York or any agency of New York
51 state which is empowered to construct and operate a wastewater or drink-
52 ing water infrastructure project, or any two or more of the foregoing
53 which are acting jointly in connection with such a project.

54 2. Upon a municipality's formal declaration of an emergency, the muni-
55 cipality shall provide the department of environmental conservation or
56 the department of health, as appropriate, with information to assess any

1 situation in which the state of the municipality's wastewater or water
2 infrastructure is causing or may cause an imminent hazard to the public
3 health or welfare, or the environment. After its assessment, if either
4 department determines the state of the infrastructure is resulting or
5 may result in imminent hazard to the public health or welfare, or to the
6 environment, the corporation shall provide temporary emergency assist-
7 ance, within amounts appropriated, to the municipality in an amount not
8 to exceed reasonable costs for infrastructure construction, replacement,
9 or repair, and related engineering costs, that is immediately necessary
10 to eliminate or substantially reduce such hazard.

11 3. The corporation and the municipality shall enter into an agreement
12 signed by an officer duly authorized by the governing body of the muni-
13 cipality pursuant to which the corporation shall transmit emergency
14 financial assistance in an amount determined by the department of envi-
15 ronmental conservation or the department of health, as applicable, as
16 necessary to address the imminent hazard, and shall provide the assist-
17 ance payment to the municipality within two business days of receipt of
18 such determination. The municipality shall submit an itemized cost esti-
19 mate from the municipality's engineer or engineering consultant to the
20 applicable department sufficient to make such determination.

21 4. No later than fourteen days after the cessation of the emergency,
22 the municipality shall provide to the corporation documentation for all
23 costs paid with the emergency assistance and refund to the corporation
24 any portion of the financial assistance not used or committed to pay for
25 the construction, replacement, or repair and related engineering costs
26 determined to be necessary under subdivision one of this section.

27 5. Subject to appropriation or duly authorized indebtedness, the muni-
28 cipality shall repay the corporation within one year of its receipt of
29 emergency financial assistance the full amount of such assistance
30 provided to it under this section. The corporation may extend the time
31 to repay for up to one additional year if the corporation determines in
32 its sole discretion that such an extension is warranted under the
33 circumstances.

34 6. Nothing in this section nullifies the eligibility of a municipality
35 for other infrastructure funding, including grant, which may be provided
36 by the state for water infrastructure directly related to the infras-
37 tructure for which emergency financial assistance is awarded under this
38 section, including funding the municipality could use to repay the emer-
39 gency financial assistance. If the municipality receives such other
40 funding from the state or any financial assistance from a third party
41 for the same infrastructure, the municipality shall within ten days
42 first repay the corporation the outstanding balance of the emergency
43 financial assistance before paying any remaining costs for the water
44 infrastructure.

45 § 9. The public authorities law is amended by adding a new section
46 1285-u to read as follows:

47 § 1285-u. Septic system replacement fund. 1. Definitions. For
48 purposes of this section:

49 (a) "Cesspool" means a drywell that receives untreated sanitary waste
50 containing human excreta, which sometimes has an open bottom and/or
51 perforated sides.

52 (b) "Fund" means the state septic system replacement fund created by
53 this section.

54 (c) "Participating county" means a county that notifies the corpo-
55 ration that it seeks authority to administer a septic system replacement
56 program within its municipal boundaries and agrees to abide by the

1 program's goals, guidelines, eligibility requirements and reimbursement
2 procedures and provide information to property owners regarding program
3 parameters including eligibility criteria.

4 (d) "Septic system" means a system that provides for the treatment
5 and/or disposition of the combination of human and sanitary waste with
6 water not exceeding one thousand gallons per day, serving a single
7 parcel of land, including residences and small businesses.

8 (e) "Septic system project" means the replacement of a cesspool with a
9 septic system, the installation, replacement or upgrade of a septic
10 system or septic system components, or installation of enhanced treat-
11 ment technologies, including an advanced nitrogen removal system, to
12 significantly and quantifiably reduce environmental and/or public health
13 impacts associated with effluent from a cesspool or septic system to
14 groundwater used as drinking water, or a threatened or an impaired
15 waterbody.

16 (f) "Small business" means any business which is resident in this
17 state, independently owned and operated, not dominant in its field, and
18 employing not more than one hundred individuals.

19 2. (a) There is hereby created the state septic system replacement
20 fund, which shall be administered by the corporation to reimburse prop-
21 erty owners for up to fifty percent of the eligible costs incurred for
22 eligible septic system projects, provided that no property owner shall
23 be reimbursed more than ten thousand dollars.

24 (b) Eligible costs include design and installation costs, and costs of
25 the system, system components, or enhanced treatment technologies, but
26 shall not include costs associated with routine maintenance such as a
27 pump out of a septic tank.

28 (c) The department of environmental conservation, in consultation with
29 the department of health and participating counties, shall from the list
30 of participating counties establish priority geographic areas and, in
31 the absence of county information, identify eligible septic system
32 projects, based on an area's vulnerability to contamination, including
33 the presence of a sole source aquifer, or known water quality impair-
34 ment, population density, soils, hydrogeology, climate, and reasonable
35 ability for septic system projects to mitigate water quality impacts.
36 The department of environmental conservation may delegate to a partic-
37 ipating county the identification of priority geographic areas. The
38 department of environmental conservation, in consultation with partic-
39 ipating counties in which priority areas have been identified, shall
40 determine the amount of money from the fund to be provided to each
41 participating county based on density, demand for reimbursement from the
42 fund and the criteria used to establish the priority geographic areas.
43 The corporation shall publish information, application forms, procedures
44 and guidelines relating to the program on its website and in a manner
45 that is accessible to the public.

46 (d) The corporation shall provide state financial assistance payments
47 from the fund, from moneys appropriated by the legislature and available
48 for that purpose, to participating counties to administer a septic
49 system replacement program to support septic system projects within
50 their municipal boundaries undertaken by property owners within their
51 municipal boundaries. Where such project is located in a priority
52 geographic area identified by the department of environmental conserva-
53 tion as threatened or impaired by nitrogen, including groundwater used
54 as drinking water, such septic system project must reduce nitrogen
55 levels by at least thirty percent.



1 (e) The corporation shall make payments monthly to a participating
2 county upon the receipt by the corporation of a certification from the
3 participating county of the total costs incurred by property owners
4 within its municipal boundaries for septic system projects within its
5 municipal boundaries that are eligible for reimbursement from the fund.

6 3. (a) A participating county shall notify property owners who may be
7 eligible to participate in the program. Determinations of eligibility
8 will be made by the participating county based on the published program
9 criteria and consideration of a property's location in relation to a
10 waterbody, impacts to groundwater used as drinking water, and the condi-
11 tion of the property owner's current septic system as determined by:

12 (i) the county health department official; or

13 (ii) other designated authority having jurisdiction, pursuant to
14 septic inspections required by a municipal separate storm sewer system
15 permit; or

16 (iii) a septic contractor pursuant to the applicable county sanitary
17 code.

18 (b) An owner of property served by a septic system or cesspool may
19 apply to a participating county on an application substantially in the
20 form provided by the corporation.

21 (c) Property owners in participating counties must have signed a prop-
22 erty owner participation agreement with the county before the start of
23 the design phase to be eligible for reimbursement from the fund. The
24 agreement must be substantially in the form provided by the corporation
25 and include, without limitation, the program's goals, guidelines, eligi-
26 bility requirements and reimbursement procedures.

27 (d) A property owner may apply for reimbursement of eligible costs by
28 submitting to the participating county a reimbursement application,
29 which must include at least:

30 (i) a signed property owner participation agreement;

31 (ii) a completed reimbursement application form substantially in the
32 form provided by the corporation;

33 (iii) any applicable design approval for the septic system project;

34 (iv) description of all work completed; and

35 (v) cost documentation and invoice or invoices for eligible costs.

36 (e) Participating counties will be responsible for reviewing their
37 property owners' applications and approving, modifying or denying the
38 reimbursement requests as appropriate and issuing reimbursement payments
39 to property owners from financial assistance payments made to the county
40 from the fund.

41 (f) Participation in this program and the receipt of payments shall
42 not prevent participating counties from providing additional reimburse-
43 ment to property owners.

44 (g) Subject to the limitations of paragraph (d) of this subdivision,
45 the county may set graduated incentive reimbursement rates for septic
46 system projects to maximize pollution reduction outcomes.

47 4. On or before March first, two thousand nineteen, and annually ther-
48 eafter, the corporation shall submit to the governor, the temporary
49 president of the senate and the speaker of the assembly a report regard-
50 ing the program. Such report shall include, but shall not be limited to,
51 the number and amount of grants provided, the number and amount of any
52 grants denied, geographic distribution of such projects and any other
53 information the corporation determines useful in evaluating the benefits
54 of the program.

1 § 10. Subdivision 4 of section 11-b of the soil and water conservation
2 districts law, as amended by chapter 538 of the laws of 1996, is amended
3 to read as follows:

4 4. Eligible costs that may be funded pursuant to this section are
5 architectural and engineering services, plans and specifications,
6 including watershed based or individual agricultural nonpoint source
7 pollution assessments, consultant and legal services, conservation ease-
8 ments and associated transaction costs specific to title thirty-three of
9 article fifteen of the environmental conservation law and other direct
10 expenses related to project implementation.

11 § 11. Report on integrated database of infrastructure projects. The
12 environmental facilities corporation shall, in cooperation with the
13 departments of health and environmental conservation, study and prepare
14 a report to the legislature by January 30, 2018, on the feasibility of
15 establishing, an integrated database or platform incorporating past,
16 present, and ongoing infrastructure projects that have been applied for,
17 as well as those which have been funded through grant and loan programs
18 administered by the department of environmental conservation, the
19 department of health, and the environmental facilities corporation
20 relating to water quality infrastructure for the purpose of informing
21 ongoing and future policy and funding initiatives.

22 § 12. Subdivision 1 of section 3-0315 of the environmental conserva-
23 tion law, as added by section 1 of part C of chapter 1 of the laws of
24 2003, is amended to read as follows:

25 1. The department in conjunction with the commissioner of health shall
26 create [or modify an existing] and maintain a geographic information
27 system, [and maintain such system] and associated data storage and
28 analytical systems for purposes of collecting, streamlining, and visual-
29 izing integrated data, permits, and relevant sites about drinking water
30 quality including, but not limited to, incorporating [information from
31 remedial programs under its jurisdiction, and] supply well and monitor-
32 ing well data, emerging contaminant data, water quality monitoring data,
33 pertinent data from remediation and landfill sites, permitted discharge
34 locations and other potential contamination risks to water supplies.
35 Such system shall also incorporate information from the source water
36 assessment program collected by the department of health, data from
37 annual water supply statements prepared pursuant to section eleven
38 hundred fifty-one of the public health law, information from the data-
39 base pursuant to title fourteen of article twenty-seven of this chapter,
40 and any other existing data regarding soil and groundwater contamination
41 currently gathered by the department, as well as data on contamination
42 that is readily available from the United States geological survey and
43 other sources determined appropriate by the department. In addition to
44 facilitating interagency coordination and predictive analysis to protect
45 water quality, such system shall provide state agency information to the
46 public through a website, within reasonable limitations to ensure confi-
47 dentiality and security.

48 § 13. If any clause, sentence, paragraph, section or part of this act
49 shall be adjudged by any court of competent jurisdiction to be invalid,
50 such judgment shall not affect, impair or invalidate the remainder ther-
51 eof, but shall be confined in its operation to the clause, sentence,
52 paragraph, section or part thereof directly involved in the controversy
53 in which such judgment shall have been rendered.

54 § 14. This act shall take effect immediately; provided, however, that
55 emergency financial assistance will not be available under section
56 1285-t of the public authorities law established pursuant to section

1 eight of this act until one hundred twenty days after this act shall
2 take effect; and provided further that the provisions of section nine of
3 this act shall take effect on the one hundred eightieth day after it
4 shall become a law.

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

14 § 3. This act shall take effect immediately provided, however, that
15 the applicable effective date of Parts A through T of this act shall be
16 as specifically set forth in the last section of such Parts.

