

Governor's Proposed Contaminant Monitoring Act

PART M

2 Section 1. This act shall be known and may be cited as the "Emerging
3 Contaminant Monitoring Act."

4 § 2. The public health law is amended by adding a new section 1112 to
5 read as follows:

6 § 1112. Emerging contaminant monitoring. 1. Industry and modern tech-
7 nology have created thousands of new chemicals that would not otherwise
8 exist in nature. Although some of these chemicals have proven benefits,
9 the effect of many such chemicals on human health is unknown or not
10 fully understood. Furthermore, with the advance of science and technolo-
11 gy, public health scientists and experts are able to identify naturally
12 occurring contaminants that pose previously unknown hazards to human
13 health. Where these chemicals or contaminants, collectively referred to
14 as "emerging contaminants," enter drinking water supplies, they can
15 present unknown but potentially serious risks to public health. New
16 Yorkers served by public water supplies have the right to know when
17 potentially hazardous substances contaminate their drinking water and
18 the department must be equipped to monitor and protect the public from
19 these emerging contaminants.

20 2. a. "Emerging contaminants" shall mean any physical, chemical,
21 microbiological or radiological substance listed as an emerging contam-
22 inant pursuant to subdivision three of this section.

23 b. "Notification level" means the concentration level of an emerging
24 contaminant in drinking water that the commissioner has determined,
25 based on available scientific information, warrants public notification
26 pursuant to this section.

01/15/17

110

12571-01-7

1 c. "Covered public water system" shall mean a community or nontran-
ALB 1991273v1

2 sient noncommunity water system, as defined in the state sanitary code.

3 3. The commissioner shall promulgate regulations that list substances
4 identified as emerging contaminants that meet the following criteria:

5 a. are not subject to any other substance-specific drinking water
6 regulation of the department that establishes a maximum contaminant
7 level or other threshold concentration;

8 b. are known or anticipated to occur in public water systems; and

9 c. because of their quantity, concentration, or physical, chemical or
10 infectious characteristics, may cause physical injury or illness, or
11 otherwise pose a potential hazard to human health when present in drink-
12 ing water.

13 4. Every covered public water system shall test drinking water for the
14 presence of emerging contaminants in the state and unregulated contami-
15 nents monitored under the federal Safe Drinking Water Act as amended
16 from time to time, at least once every three years as determined by the
17 department.

18 5. Every test conducted in accordance with this section shall be
19 conducted by a laboratory certified by the department pursuant to
20 section five hundred two of this chapter. Laboratories shall submit such
21 results to the department electronically in the manner prescribed pursu-
22 ant to section five hundred two of this chapter.

23 6. The commissioner may promulgate regulations establishing notifica-
24 tion levels for any emerging contaminant listed pursuant to subdivision
25 three of this section.

26 7. The commissioner may, by declaration, add any physical, chemical,
27 microbiological or radiological substance to the list of emerging
28 contaminants established pursuant to subdivision three of this section,

1 or establish a notification level for such substance, if the commission-
2 er determines that such substance poses or has the potential to pose a
3 hazard to human health when present in drinking water, provided that the
4 commissioner must promulgate regulations adding the new emerging contam-
5 inant or establishing such notification level within one year of such
6 declaration.

7 8. Whenever a covered public water system determines or is advised by
8 the state that one or more emerging contaminants is present in drinking
9 water at concentrations above a notification level established pursuant
10 to this section:

11 a. the covered public water system shall notify the state and all
12 owners of real property served by the covered public water system in a
13 time and manner to be prescribed by the department; and

14 b. the commissioner may require that the covered public water system
15 take such actions as may be appropriate to reduce exposure to emerging
16 contaminants.

17 9. Any owner of real property, including any owner's agent, to whom a
18 covered public water system has provided notification of the exceedance
19 of a notification level established pursuant to subdivision six of this
20 section, shall take all reasonable and necessary steps to provide, with-
21 in ten days, any tenants with copies of the notification provided by the
22 covered public water system.

23 10. The commissioner may promulgate regulations pursuant to which the
24 department may provide financial assistance for compliance with the
25 testing requirements of this section, to any covered public water system
26 upon a showing that the costs associated with testing drinking water in
27 compliance with this section would impose an unreasonable financial

1 § 3. Section 502 of the public health law is amended by adding a new
2 subdivision 10 to read as follows:

3 10. The department may require an environmental laboratory to report
4 laboratory test results to the department, or to any full-time city,
5 county or part-county health department in an electronic manner
6 prescribed by the department.

7 § 4. This act shall take effect immediately.