

LOCAL LAW "B" FOR 2025

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING CHAPTER 297 OF THE ALBANY COUNTY CODE, SETTING FORTH REQUIREMENTS THAT THE ALBANY COUNTY DEPARTMENT OF HEALTH NOTIFY LOCAL OFFICIALS REGARDING ELEVATED CONTAMINANT LEVELS FOUND IN DRINKING WATER IN ALBANY COUNTY

Introduced: 3/10/25

By Cunningham, Kuhn, Reinhardt, Miller, Feeney, Ricard, Plotsky, Lekakis, Perlee, Lockart, Alix, Beston, Cleary, Ethier, Gillespie, Lane, Laurilliard, McLaughlin, Pedo, Rosano, Whale, Willingham, Reidy, R. Joyce and Collins:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

Section 1. Article Creation.

Chapter 297, Article III, Notification Requirements for Elevated Contaminant Levels in Drinking Water, is hereby created.

Section 2. § 25 – Legislative Purpose and Intent.

This legislation is to ensure that when the Albany County Department of Health has determined, either through its own testing or from notice provided by the State of New York or any federal agency, that elevated levels of contaminants found in soil or water, including but not limited to drinking water, are a threat to public health, that the Department of Health shall provide notice to the appropriate local officials and municipalities.

Section 3. § 26 - Definition of Terms.

"Albany County" – shall mean the geographic boundaries of the County of Albany, New York.

"Contaminants" – shall mean any and all amounts of chemicals, debris, bacteria, viruses, or any other such materials not native or naturally occurring in the water supply which in increased amounts could constitute a threat to public health.

"Elevated Levels" – shall mean any amount of contaminants which are in excess of limits established either by the Albany County Department of Health, or by those State of New York or federal agencies qualified to report to the Department of Health, and which at such levels represent a threat to public health.

“Local Representatives” – shall mean those elected officials responsible to the People of Albany County, including but not limited to County Legislator, and the Mayor, Supervisor, Councilmember, Board Member or Trustee of any City, Town or Village within Albany County.

“Threat to Public Health” – shall mean a determination by the Albany County Department of Health that consumption of drinking water with sufficient contaminants as to constitute a danger to individual health and wellbeing of the People of Albany County.

Section 4. § 27 - Drinking Water Notification Requirements.

A. Within two days of the Albany County Department of Health determining, either through its own testing methods or from notice provided by the State of New York or any federal agency, that elevated levels of contaminants have been found that could impact soil or water, including but not limited to drinking water, and that pose a threat to public health, the Department of Health shall provide written notice to local representatives as follows:

- 1) The Albany County Executive; and
- 2) The Albany County Legislator(s) who represents the legislative district(s) affected by the elevated levels of contaminants; and
- 3) The Albany County Legislator(s) who represents the legislative district(s) bordering the district(s) affected by the elevated levels of contaminants; and
- 4) Each City, Town, or Village Mayor or Supervisor who represents the municipality affected by the elevated levels of contaminants; and
- 5) Each City, Town, or Village Mayor or Supervisor who represents the bordering municipality affected by the elevated levels of contaminants; and
- 6) Each City, Town, or Village Council or Board member who represents the municipality affected by the elevated levels of contaminants; and
- 7) Each City, Town, or Village Council or Board member who represents the bordering municipality affected by the elevated levels of contaminants.

B. All notifications pursuant to this Section shall be sent via regular mail, with an electronic mail following which shall contain a digital version or electronic link to the notification along with all accompanying documents and information.

Section 5. § 28 - Authority to Promulgate Appropriate Rules and Regulations.

The Albany County Department of Health is hereby authorized and empowered to promulgate all rules and regulations necessary to effectuate the implementation of this Local Law. Within 90 days of the adoption of this Local Law, the Department of Health shall report to the Albany County Legislature and the Albany County Executive with said rules and regulations, or, in the event that such rules and regulations are not complete at such time, shall provide a status report of the reasons for such delay, and additionally, shall continue to report to both the County Legislature and County Executive every 30 days thereafter with an update until such rules and regulations are completed.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, corporation or circumstance directly involved in the controversy in which such judgment or order may be rendered.

Section 6. SEQRA Compliance.

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 7. Effective Date.

This local law shall take effect immediately after its filing with the Secretary of State.

Referred to Law and Health Committees – 3/10/25

Favorable Recommendation Law Committee – 5/28/25

Favorable Recommendation Health Committee – 6/26/25

