



12 May 2022

Honorable Fred Thiele  
New York State Assembly  
3350 Noyac Road  
Building B, Suite 1  
Sag Harbor, NY 11963

Dear Assemblyman Thiele,

The members of the NY Water Environment Association (NYWEA), and the NY Rural Water Association would like to express their support for the revision and passage of A9824, as it Relates to the Statute of limitations for public water suppliers to commence an action for injury to property. The Assembly should consider inducing the following modification to Section 214-h which defines a "Person" to read as follows:

- (b) "Person" means an individual, corporation, public corporation, company, association, partnership, or entity of the state or federal government. ***Publicly owned treatment works (POTW) as defined by Section 502(4) of the Clean Water Act (CWA) shall not be considered a "Person" relative to the context of this statute.***

It is incredibly important that the manufacturers of the products that create emerging contaminants – and not the taxpayers – pay for treating contaminated waters. The previous statute of limitations bill, now Subdivision 1, Section 214-h of the civil practice law and rules, was passed unanimously in both houses and was signed into law in November of 2019. It was not controversial, and it was intended to be retroactive. If this revision to the amendment is included in the current draft of A9824, both NYWEA and NY Rural Water will support the immediate passage to protect the taxpayers of New York State.

A9824 is a technical amendment to make the retroactive intent even clearer in light of recent misinterpretations of the law, and the amendment is necessary to ensure water providers and municipalities can recover treatment costs from polluters.

We thank you for introducing this bill and wish to lend our full support in seeing it enacted.

Sincerely,

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