

JOB IMPACT STATEMENT (JIS)
CLARIFICATION OF CLASS I & CLASS SD BEST USAGES
Amendment to 6 NYCRR 701.13 & 701.14

A job impact statement is not required for the proposed rule making because it does not have a substantial adverse impact on jobs and employment opportunities. The New York State Department of Environmental Conservation (NYSDEC) is proposing amendments to 6 NYCRR 701.13 and 701.14 to clarify the intent of NYSDEC's 2015 amendments to 6 NYCRR Parts 701 and 703 (2015 I/SD Rule Making) that the best usages of Class I and Class SD waters (I/SD waters) were, and remain, "secondary contact recreation and fishing" and "fishing," respectively.

The proposed clarifications impact limited waters in the State; the majority of I/SD waters are located in and around New York City (NYC), with a few waters located in and around Suffolk County.

The 2015 I/SD Rule Making amended 6 NYCRR Parts 701 and 703, adopting more protective total and fecal coliform WQS for I/SD waters. In promulgating such regulations, NYSDEC did not revise the "best usages" of the I/SD waters. Although many comment letters¹ on those regulatory amendments recognized that NYSDEC did not change the best usages of the subject waters, the United States Environmental Protection Agency (USEPA) stated in its review of the 2015 I/SD Rule Making that the record is not clear on that fact.

On March 7, 2018, USEPA issued a formal disapproval of the total and fecal coliform WQS for I/SD waters. On June 13, 2018, NYSDEC sent a letter to USEPA to clarify that the 2015 I/SD Rule Making did not change the best usages of the subject

¹ including those from the Citizens Advisory Committee of the New York – New Jersey Harbor and Estuary Program, Empire Dragon Boat Team NYC, Friends and Residents of Greater Gowanus, Jamaica Bay Ecowatchers, NYC Friends of Clearwater, NY/NJ Baykeeper and Hackensack Riverkeeper, NYCDEP, Riverkeeper, Inc. and NRDC)

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waters and requested that USEPA reconsider its disapproval. On January 29, 2019, USEPA responded to NYSDEC's letter stating if the best usages of the I/SD waters are being misinterpreted, NYSDEC must clarify the intent of the 2015 I/SD Rule Making through "relevant administrative procedures under State law." Therefore, NYSDEC is proposing amendments to 6 NYCRR 701.13 and 701.14 to clarify the intent of the 2015 I/SD Rule Making and that the best usages of I/SD waters were, and remain, "secondary contact recreation and fishing" and "fishing," respectively. This proposed rule making implements the clarification sought by USEPA in its January 29, 2019 letter and cures USEPA's disapproval.

The proposed rule making does not result in the loss of any jobs in New York State. Therefore, NYSDEC has determined that a Job Impact Statement is not required.