

FINAL REVISED RURAL AREA FLEXIBILITY ANALYSIS (RAFA)
BEACH ACT STANDARDS AND RECLASSIFICATION
6 NYCRR PARTS 700, 703 and 890

The New York State Department of Environmental Conservation (Department or DEC) has adopted revisions to New York's water quality standards to meet the requirements of the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000 (P.L. 106-284). The Department has also adopted upgrades to the classification of two water bodies.

1. Types and Estimated Numbers of Rural Areas

The adopted rule adds new water quality standards for coastal recreation waters and reclassifies certain Class I waters consisting of Upper New York Bay and a portion of Lower New York Bay to add the best usage of primary contact recreation to these waters. Coastal recreation waters are found along the shores of Bronx, Cayuga, Chautauqua, Erie, Jefferson, Kings, Monroe, Nassau, Niagara, Orleans, Oswego, Queens, Richmond, St. Lawrence, Suffolk, Wayne, and Westchester counties. The Class I waters reclassified to Class SB border Kings, New York, and Richmond counties. Cayuga, Chautauqua, Jefferson, Orleans, Oswego, St. Lawrence, and Wayne counties are rural areas as defined in Executive Law.

2. Reporting, Recordkeeping, Other Compliance Requirements, and Professional Services

As part of the SPDES program, all significant permittees (for permit classifications see the Department's Technical & Operational Guidance Series (TOGS) 1.2.2) are required to periodically report monitoring data for substances include in their permit. The adopted regulations are not expected to increase or decrease the number of significant SPDES permittees. Dischargers that may be required to report on a parameter for which they were previously not regulated will have to maintain records and report the discharge level of the newly regulated

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parameter on existing reports. This adopted rule does not require the submission of any new forms, nor require substantial additional professional services, in rural areas of the State.

3. Costs

As mentioned in the Final Regulatory Impact Statement (RIS) this rule may have a financial impact related to an increased cost for laboratory analysis, depending on how the Department implements the adopted *E. coli* standards for dischargers to the Great Lakes. Incorporation of the standards into State Pollutant Discharge Elimination System (SPDES) permits, after adoption of the rule, will comply with all applicable laws, regulations, and criteria. The approach will be protective of the best uses, while avoiding unnecessary duplication. Additional costs for laboratory analysis of up to \$73,350 may occur should the Department require facilities to sample and report both *E. coli* and fecal coliform.

4. Minimizing Adverse Impact

The Department has revised the adopted express terms from the original proposal so that the adopted standards for *E. coli* in Class A, A-Special, AA, and AA-Special waters will not necessarily apply year-round. This revision may reduce the need for samples outside of the primary contact recreation season and thus reduce costs for laboratory analysis.

5. Rural Area Participation

The Department has informed the public about the rule through the Department website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. The Department has held two public information meetings and two public

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hearings pertaining to the rule making. The public has had the opportunity to comment on the proposed rule by attending a public hearing or by submitting written comments to the Department. The public has also had the opportunity to comment on the revisions to the proposed rule by submitting written comments to the Department.