

DOW – 3.2.1:

New York State Department of Environmental Conservation, Division of Water

Division of Water Policy

Issuing Authority: Mark Klotz
Director, Division of Water
Signature: 

Title: Processing Water Withdrawal
Permit Applications

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Originator: Michael Holt, Bureau of Water Resource Management (BWRM)

*** NOTICE ***

This document has been developed to provide Department staff with guidance on how to ensure compliance with the statutory and regulatory requirements, including case law interpretations, and to provide consistent treatment of similar situations. This document may also be used by the public to gain technical guidance and insight regarding how Department staff may analyze an issue and factors in their consideration of particular facts and circumstances. This guidance document is not a fixed rule under the State Administrative Procedures Act subsection 102(2)(a)(I). Furthermore, nothing set forth herein prevents staff from varying from this guidance as the specific facts and circumstances may dictate, provided staff's actions comply with applicable statutory and regulatory requirements. This document does not create any enforceable rights for the benefit of any party.

I. Summary: This document provides procedures for DEC staff to follow in the review of water withdrawal permit applications filed in accordance with Environmental Conservation Law (ECL) § 15-0101 and 6 NYCRR Part 601 (Part 601)¹. It provides updated guidance on the amended statute, and its applicability and its implementation within the revised regulatory framework. This document replaces the 1990 version of TOGS 3.2.1: *Public Water Supply Permit Program Application Processing*.

II. Policy: New York State is fortunate to have plentiful water resources; however, population growth, pressures to keep water in-stream for aquatic habits, increased use of water for commercial, industrial and other purposes, and the potential impacts from climate change, have resulted in increased demands on the State's water resources. It shall be the policy of the Department to ensure timely and effective implementation of the provisions of Part 601. The procedures adopted herein are intended for the use and guidance of DEC staff in order to provide a uniform and consistent process for the processing of water withdrawal permit applications.

¹ Subparts of 6 NYCRR Part 601 are abbreviated in this TOGS 3.2.1 as Subpart 601.# or as § 601.#

III. Purpose and Background: Amendments to ECL Article 15, Title 15 became effective February 15, 2012. Previously, the Department's main authority was to regulate the water withdrawals and service areas of community-type, public water supply systems. The amended statute expands the Department's authority (exclusive of Long Island wells regulated under Part 602) to require a water withdrawal permit or registration for all water withdrawal systems with a capacity equal to or greater than a threshold volume of 100,000 gallons per day (gpd), regardless of the use or purpose of the withdrawal.² The effect is to regulate more of the higher-volume withdrawals across the state while no longer issuing water withdrawal permits for lower-volume, public water supplies. Withdrawals below the size threshold must still comply with water pollution control laws (ECL article 17), Department of Health regulations and state environmental quality review (SEQR) requirements, as applicable, and may require other permits.

Part 601 (Water Withdrawal Permitting, Reporting, and Registration) was repealed and replaced, and 6 NYCRR Part 621 (Uniform Procedures) was revised effective April 1, 2013 to implement the legislative objectives of the amendments to Article 15 Title 15. Specifically, the new statute and regulations:

- Authorize DEC to regulate water withdrawal systems with the capacity to withdraw 100,000 gpd or more. Smaller public water supplies no longer need new DEC permits. See **Attachment A for New Permitting Procedures for Public Water Supply Systems.**
- Establish a permitting, registration, and reporting program for water withdrawal systems with a capacity equal to or greater than the 100,000 gpd threshold.
- Require annual registrations and water withdrawal reporting from any water withdrawal system that was operated for agricultural purposes, had properly reported such withdrawals pursuant to ECL article 15 titles 16 or 33 (repealed and replaced by amended Title 15) as of February 15, 2012, and whose cumulative withdrawal met or exceeded an average of 100,000 gpd in any 30-day consecutive period as of that date.
- Require annual registrations for all interbasin diversions in excess of 1,000,000 gpd. Annual registration is not required for interbasin diversions that are operating pursuant to a water withdrawal permit, or a Delaware River Basin Commission (DRBC) or Susquehanna River Basin Commission (SRBC) approval.
- Provide an "initial permit" process for those existing water withdrawal systems -- other than public water supplies -- that were already operating as of February 15, 2012, were properly reported as of February 15, 2012 pursuant to ECL article 15 titles 16 or 33 (repealed and replaced by amended title 15), were above the size threshold, had applied for an initial permit on a timely basis within the regulatory deadlines mandated in § 601.7(b)(2) and (b)(3); and are not exempt.

² Unless the withdrawal is exempt from the permitting requirement pursuant to § 601.9.

- Fulfill New York’s responsibility under the Great Lakes-St. Lawrence River Basin Water Resources Compact (see ECL article 21 title 10) to regulate all significant withdrawals in the New York portion of the Great Lakes Basin.
- Exempt certain withdrawals, including withdrawals that are: approved by the DRBC or SRBC; covered by Long Island Well permits; for fire suppression or other emergencies; or for temporary dewatering or testing (see § 601.9 Permit Exemptions).

IV. Responsibility:

A. Permits: The water withdrawal permit program will continue be a joint effort between the Divisions of Water (DOW) and Environmental Permits (DEP). Most permit applications will be filed with the regional DEP and be subject to both Part 601 (Water Withdrawal Permitting) and 6 NYCRR Part [621](#) (Uniform Procedures). The regional permit personnel shall distribute copies of complete applications to Regional and Central Office (CO) DOW staff for technical review and development of draft permits. DEP uses the Department Application Review Tracking (DART) system to track applications and create UPA permits. All water withdrawal permits should be developed using this system. It may also be necessary to distribute copies to other divisions such as Fish and Wildlife (DF&W) or other agencies such as NYS Department of Health (DOH) or NYS Public Service Commission (PSC). Final permits shall be signed by the Regional Permit Administrator or appropriate designee.

B. Initial permits: As described in § [601.7](#), “initial permits” are issued to any person who: (1) Operated a water withdrawal system with a capacity equal to or greater than the threshold volume as of February 15, 2012; (2) Properly reported the withdrawal to the Department pursuant to ECL article 15 title 16 or title 33 on or before February 15, 2012; (3) Applied for an initial permit on a timely basis within the deadlines mandated in §§ 601.7(b)(2) and (b)(3); (4) Is not exempt from the permit requirements of Part 601 pursuant to § 601.9; and (5) whose water withdrawal system was/is not a public water supply system under § 601.2(m). There are over 700 such facilities. Subpart 601.7 provides a five year schedule to allow transition or time for these withdrawals that are new to the water withdrawal permitting program and for the Department to provide for the timely issuance of these permits.

Systems with the Capacity to Withdraw:	Latest Date for Submission of Initial Permit Application to DEC*
Greater than or equal to 100 million gallons per day	June 1, 2013
Less than 100 mgd but greater or equal to 10 mgd	Feb 15, 2014
Less than 10 mgd but greater or equal to 2 mgd	Feb 15, 2015
Less than 2 mgd but greater or equal to 0.5 mgd	Feb 15, 2016
Less than 0.5 mgd but greater or equal to 0.1 mgd	Feb 15, 2017
*Pursuant to § 601.7, withdrawals that are specifically regulated by an existing SPDES permit must submit an initial permit application no later than 180 days before the existing SPDES permit is scheduled to expire. Such applications will be reviewed in coordination with the SPDES permit program.	

Central Office DOW and DEP will take the lead on all Initial Permit application reviews and permit issuances.

- Although Initial Permit applications are “minor” actions under the Uniform Procedures Act and “Type II” SEQR actions, the Department publishes a notice as to each in the *Environmental News Bulletin* due to the high degree of public interest. Public notices by the applicant are not required.
- Unless a lesser amount is applied for by the applicant or another permit (e.g. mining) restricts its operation, an initial permit is generally issued by the Department for the maximum withdrawal capacity, subject to appropriate terms and conditions, reported to the Department on or before February 15, 2012 pursuant to ECL article 15 titles 16 or 33 (repealed and replaced by amended title 15).
- The applicant must submit an engineering report stamped and signed by a Professional Engineer currently licensed in the State of New York that documents that the sources and capacities reported were correct.
- An initial permit is to include all applicable standard conditions of a water withdrawal permit and be valid for a fixed term not to exceed ten years. Where the water withdrawal system listed in an initial permit application is subject to another DEC permit, such as a SPDES permit for a cooling water discharge, its term may be adjusted (e.g., 5 years) to coincide with the term of the SPDES permit.
- An initial permit is subject to modification, suspension and revocation, pursuant to the requirements of §§ 601.15 and 601.16.
- An applicant who did not properly report their existing water withdrawals by or before February 15, 2012 cannot be issued an “initial permit.” If this is the case, the person or applicant is operating a water withdrawal facility without a permit, and must submit a full application for a water withdrawal permit (*i.e.*, not for an initial permit pursuant to § 601.7).
- An applicant who *did* report existing water withdrawals as of February 15, 2012, but who asserts in the application that the annual report is incorrect in some relevant respect, must submit a certification from a professional engineer who is licensed in the state of New York that explains and substantiates the discrepancy and any proposed correction, and provides documents supporting the explanation. Central Office staff will review a submitted certification and determine whether the applicant qualifies for an initial permit pursuant to § 601.7(a).

C. Delaware and Susquehanna River Basin Approvals: Pursuant to § 601.9(b), withdrawals that receive an approval from the Delaware River Basin Commission (DRBC) or Susquehanna River Basin Commission (SRBC) are exempt from the DEC water withdrawal permit requirement (but remain subject to the annual reporting requirements of § 601.5). The Basin Commissions’ water withdrawal approvals are called “Dockets” and are typically approved for ten year periods. (See, ECL article 21 titles 7 and 13.) Each Commission, which includes one representative from New York, meets on a quarterly basis to formally vote on Docket applications. A Memorandum of Understanding (MOU) (**Attachment B**) has been established between the Department and SRBC that sets forth the procedures under which DEC will review and comment on water withdrawal Docket applications located within New York State’s portion of that river basin. A similar Coordination Process (**Attachment C**) has been developed with DRBC. Such

Docket application reviews will be coordinated by the appropriate DEC Regional office to ensure that any related DEC permits (*e.g.* Protection of Waters) are also obtained by the withdrawer. The Commissions have agreed to notify the appropriate Regional Permit Administrator and Central Office DOW of new Docket applications in a timely manner.

D. Agricultural Withdrawals and Interbasin Diversions: Registrations, Permits

- 1) The annual registration of water withdrawals for agricultural purposes is required under § 601.18 and is handled by Central Office DOW. All registrants should be directed to the Bureau of Water Resource Management (BWRM) web pages for forms, procedures and Bureau contact information at: <http://www.dec.ny.gov/lands/86747.html>.
- 2) Water withdrawal permits are required for the following facilities:
 - Any agricultural facility that did not register or report usage prior to February 15, 2012 and withdraws water equal to or in excess of an average of 100,000 gallons per day in any thirty day consecutive period (3 million gallons during a 30 day period).
 - Any exempted or permitted agricultural facility planning to increase its capacity and meets the threshold volume.
 - Any new agricultural facility that meets the threshold volume.
- 3) Annual registration of interbasin diversions is required under § 601.17 and is also handled by Central Office DOW. All registrants should be directed to the Bureau of Water Resource Management (BWRM) web pages for forms, procedures and Bureau contact information at: <http://www.dec.ny.gov/lands/86898.html>. Note that interbasin diversions that are cited and incorporated into a water withdrawal permit do not need to register separately.

New or increased interbasin diversions of any quantity (including wastewater) from the Great Lakes-St. Lawrence River Basin are prohibited by the Great Lakes-St. Lawrence River Basin Water Resources Compact, as enacted in ECL Article 21 Title 10. Limited exceptions for public water supply systems will only be considered when in compliance with that Compact as is further set forth in § 601.10(n).

E. Annual Water Withdrawal Reporting: Annual water withdrawal reports will be handled by Central Office DOW. All inquiries should be directed to the BWRM web pages for forms, procedures and Bureau contact information: <http://www.dec.ny.gov/lands/86940.html>. The regulatory requirement for annual reports is in § 601.5.

F. Databases and Files: Central Office DOW will maintain a master database of all water withdrawal permits, newly issued dockets, agricultural and interbasin diversion registrations and annual water usage information. This information will be maintained in both a tabular and Geographical Information System (GIS) format and will be made available to the regional offices and public in the latest format available to the Division. The webpage may be accessed at this link: <http://www.dec.ny.gov/pubs/42978.html#waterwith>

Permit files shall be maintained by both the Regional and Central Office DOW. The Division's Centralized Electronic Document Repository (CEDR) should be used to the maximum extent possible to store and retrieve application documents, correspondence and permits. The BWRM will ensure that application folders are created as needed. For more details, please refer to DOW's Policy and instructions on CEDR.

V. Procedure:

A. Application Receipt and Administrative Review:

- 1) All of the forms necessary for a water withdrawal application can be found at: <http://www.dec.ny.gov/lands/94327.html>. All applications, including an electronic copy, must be submitted to DEP who will then distribute to DOW and any other involved divisions or agencies (e.g. DOH).
- 2) Determine whether a permit is required. Subpart [601.3](#) defines the activities for which a water withdrawal permit is required. Subpart [601.9](#) lists actions for which permits are not required. Note that not all public water supplies are regulated as they once were. See **Attachment A for New Permitting Procedures for Public Water Supply Systems**.
- 3) Contact Central Office BWRM for a Water Withdrawal Application (WWA) Number. An existing WWA Number may be used for a consolidated permit. Consider whether a permit consolidation makes sense when obtaining a WWA number or reviewing an application for permit renewal. Although it may not work in all cases, permit consolidations were contemplated by the New York legislature in amending the water withdrawal law (i.e., ECL § 15-1501.5) and will help make the permitting program more efficient in the future.

Permit Consolidations: On November 3, 1905, the City of New York filed WSA No. 1 for the construction of Ashokan Reservoir. Since that time, WSA (now WWA) numbers were assigned sequentially by the Department's predecessors, and then by the Department. As the size of these numbers continues to grow (*i.e.*, WWA No. 12,000 was issued in 2017), it is evident that the slowing of this numbering process is necessary. Also, over the years, many permittees have accumulated numerous (in some cases hundreds) of separately numbered permits that are still in effect. This has led to the confusion of permittees and much time spent by staff researching past approvals. In order to more efficiently manage permits going forward, the statutory amendments and § 601.8 allow for the consolidation of past and present approvals into one comprehensive permit. Once a consolidated permit is issued, it can be modified going forward using a single WWA number. Several template tables have been added as DART conditions to help with this process. It is also possible to create tables in other programs such as Microsoft Word that can be pasted directly into the DART template.

- 4) Identify whether the water withdrawal system listed in the permit application is associated with a project, facility, activity or use that is subject to a SPDES permit or another Department permit. This can often be accomplished by accessing DART to look for all permits related to a facility. If so, staff must, pursuant to § 601.7(f), review an initial permit application “in coordination with” the SPDES and/or other permit program that regulates the same withdrawal, particularly with respect to any pending permit renewals. This requirement to coordinate may or may not result in a water withdrawal permit term of less than 10 years. It should result in greater convenience for the applicant and more efficient use of Department staff time and resources.
- 5) Determine whether the application is complete. Subpart [601.10](#) specifies the minimum information which must accompany an application. It is important that DEP and DOW coordinate closely during the 15 day completeness determination including as much technical review as possible. This includes the completion of a [Water Withdrawal Permitting Checklist for Administrative Completeness](#) (**Attachment D**).
- 6) Decide to grant or deny a permit or to grant a permit with conditions based on the determinations listed in § [601.11](#). Staff must make an affirmative finding for each determination. Any single negative determination that cannot be addressed by permit conditions can result in denial of the permit.

B. Technical Review of Applications:

DOW staff are to consult with DEP and finalize completion of the Water Withdrawal Permitting Checklist for Administrative Completeness. Much of the technical review will focus on the applicant’s Engineering Report. A recommended format for this report can be found with the other required application forms at: <http://www.dec.ny.gov/lands/94327.html>

Major points to look for include:

- 1) **Source Capacity: Do the sources of supply demonstrate the capacity to meet the existing and proposed maximum day water demands?** Note that for new public water supply systems, DOH 10 NYCRR Part 5, Appendix 5-B: [Recommended Standards for Water Works 2012](#) (Ten States Standards), requires that that groundwater supplied systems must be able to meet maximum day demands with the largest well out of service (Section 3.2.1.1). For existing systems that are adding new sources of supply, this requirement should be discussed with DOH.
- 2) **Evaluation of Alternatives:** An application for a new or increased withdrawal must include a discussion of the alternatives to the proposed withdrawal that were considered and the reasoning followed to select the proposed source of supply. One of the alternatives discussed must be the use of environmentally sound and economically feasible water conservation measures to reduce or eliminate the need for the new or increased withdrawal. In cases where a Negative Declaration of Significance has been made under SEQR the proposed project may still result in some impacts that will need to be mitigated by, for example, lower approval amounts and permit conditions.

Example: An applicant proposes 5 new wells each equipped with pumps rated at 100 gallons per minute (gpm). Pumping tests demonstrate that the wellfield is capable of a combined amount of only 200 gpm. A permit can be issued for only 200 gpm (288,000 gpd) and conditioned to allow the use of all 5 wells at up to 100 gpm each in any combination that does not exceed 288,000 gallons in any one day.

In the cases where a Positive Declaration of Significance has been made under SEQR, the water withdrawal application process is coordinated with the preparation of the Draft Environmental Impact Statement (DEIS). CO and Regional DOW will coordinate with DEP staff in reviewing the portions of an EIS that pertain to the proposed water withdrawal.

- 3) **Water Demands: Are average and maximum day water demands properly calculated?** All technical references relied upon in the application should be cited by the applicant and checked by staff. For existing water withdrawal systems, check annual water withdrawal reports for confirmation of records. For new systems, use Table B-3 of [NYS Design Standards for Intermediate Sized Wastewater Treatment Systems, 2014](#).
- 4) **Groundwater Pumping Tests:** All applications for new or increased groundwater withdrawals must include appropriate pumping test data and results. All tests should conform with DOW's: [Pumping Test Procedures for Water Withdrawal Permitting](#). Applicants must submit their pumping test plans to DEC prior to conducting a test if the proposed test procedures will deviate from these procedures in a substantive way. Permits for new or increased groundwater withdrawals should not be issued without prior consultation with a Central Office BWRM staff.
- 5) **Surface Water Safe Yield Analyses:** All public water supply applications for new or increased surface water withdrawals must include an analysis of the water source's capability to meet proposed demands during extended periods of drought (Ten States Standards Part 3.1.1). This is necessary as most public water supply systems must be able to provide water at all times. Many non-public water supply withdrawals will also require such an analysis to assess the environmental impacts of the proposed withdrawal. However, many non-public systems may be able to withstand reductions or outages when drought conditions occur. An attachment that provides a standard procedure for analyzing safe yield is being developed. Various methods may be acceptable but should be discussed with Central Office DOW staff prior to application submittal. **Permits for new or increased surface withdrawals should not be issued without prior consultation with Central Office DOW staff.**
- 6) **Passby Flows and Conservation Releases:** Proposed new or increased withdrawals from streams or rivers should be evaluated for the need for permit conditions addressing minimum passby flows or conservation releases. A passby flow is the quantity of streamflow that must be allowed to pass downstream of a water withdrawal point to support downstream usages. Similarly, a conservation release is the amount of flow

that must be continuously released from a dam or impoundment structure to support downstream usages. A separate **TOGS (1.3.12)** has been developed in conjunction with the Division of Fish and Wildlife for the determination of passby flows and conservation releases. Contact CO DOW to discuss if passby flows or releases might be necessary. If a passby flow or conservation release is required, the applicant must demonstrate that it has sufficient resources (e.g. alternate sources and/or additional water conservation measures) to ensure compliance with conditions that restrict or require curtailment of a withdrawal.

- 7) **Water Conservation Program Form (WCPF):** The applicant is to complete a WCPF. Ensure the correct version (public water supply vs. non-public water supply) of the WCPF form has been completed and signed by the applicant. Evaluate the WCPF. Do the listed water sources and existing or proposed withdrawal volumes in the WCPF agree with those listed in the Engineering Report? Was the rest of the WCPF form completed with the understanding that some questions in it may not apply to all water system types? Applications for proposed new systems should indicate expected water usage and conservation measures that will be implemented in the future. Some of the larger municipal public water suppliers may have their own more comprehensive plans. They may also use the American Water Works Association's (AWWA) water audit tool that focuses on Non-Revenue Water. They should be encouraged to submit this information as well but a completed WCPF is still required.
- 8) **Project Justifications:** The permit application must include a project justification that lists and individually answers each of the eight questions specified in § 601.10(k). The first four relate directly to the evaluation of alternatives while the last four relate to the impacts on the selected water source and any impacts the proposed use will have on other potable supplies or the environment.

C. Permit Drafting and Issuance: Use DART Permit:

- 1) **Permit Types:** There are two types of water withdrawal permits in DART. They are WWP (public water supply) and WWN (non-public water supply). DEP will ensure use of the proper permit type.
- 2) **Authorized Activity:** Specify the water source(s) of supply and the maximum amount per day that may be withdrawn pursuant to the permit. Additional limits such as a monthly maximum or instantaneous rate may also be added. Non-public water supply permits, including initial permits, must specify the approved use or uses of the water. (A change in the permitted use requires a permit modification in advance under § 601.6(e).) Initial permits are to be issued solely for the maximum volume properly reported as of February 15, 2012 unless the applicant has affirmatively waived this volume in writing in favor of a lower volume. Here are some examples:

Withdrawal of up to 250,000 gallons of water per day from Well Nos. 1, 2 and 3 for use in Pine Water District No. 2. The water will be used for public and commercial potable needs.

Withdrawal of up to 5 million gallons of water per day from Cedar Lake for use by Maple Industries, Inc.. The total monthly withdrawal shall not exceed 100 million gallons. The water will be used for onsite industrial and potable needs.

Withdrawal of up to 400,000 gallons of water per day from the Birch River for use by the Oak Crest Golf Course. The instantaneous withdrawal rate shall not exceed 400 gallons per minute. The water will be used for irrigational purposes.

Withdrawal of up to 2.2 million gallons of water per day from the Quarry No. 1 by the Pine Acres Construction Company. The water will be removed to facilitate mining operations with some water being used for gravel washing purposes.

This permit consolidates the approved sources of supply and water service areas of the town of Hemlock. This includes the withdrawal of up to 1,167,000 gallons per day from the sources listed in Special Condition No. _____. No other sources of supply shall be used without the further approval of the Department.

- 3) **WWA #:** Include as an Extra ID to the right of the DEC number
- 4) **Expiration Date:** Water withdrawal permits may be issued for a term of up to ten years. The typical water withdrawal permit is written for a term of ten years from the effective date of the permit. Modifications to a permit are typically to retain the original expiration date. The coordination with other permit programs (see Item V.A.6, above) or other considerations may result in a permit term that is less than ten years.
- 5) **General Conditions:** These conditions apply to all permits and are automatically added by DART.
- 6) **Special Conditions:** Each type of permit (WWN or WWP) has a list of possible conditions for use in writing permits. (**Attachment E**) The two lists include many of the same permit conditions, but the list for public water supply withdrawals also includes conditions related to source protection, treatment for potable purposes, and service areas. DART accesses the appropriate conditions list once a permit type is selected. Not all special conditions apply to every project. For example, conditions related to groundwater wells would not apply to a system that only uses surface water. Also, many of the conditions now include summary tables. These are intended to aid in the consolidation of many historical approvals into one inclusive document that can be easily modified or renewed going forward in time. In general, Attachment E is to be used to generate water withdrawal permit conditions. Occasionally, custom conditions may need to be developed to address unique circumstances. If so, the unique circumstances should be documented along with staff's rationale for the custom conditions.

- 7) **Attachments:** A map of the water withdrawal facility, service area(s) or water source location(s) are some examples of appropriate attachments. However, for security purposes, maps that show exact well or intake locations may need to be redacted from responses to information requests (e.g., requests submitted pursuant to FOIL).
- 8) **Draft permit review and issuance:** Ensure the draft permit is reviewed for accuracy by the DOW staff prior to issuance by DEP. The Regional Water Engineer and the Central Office DOW should receive an electronic copy of all issued permits.

D. Transfers and Changes of Ownership

A WWN permit may not be transferred without the submission of a new application or a request for modification pursuant to ECL §15-1503.6. A simplified application or checklist may be developed for changes in ownership that have no substantive changes to the water withdrawal system, the listed use or purpose of the withdrawal, or the permitted withdrawal amounts. For transfers that include substantive changes, a full application is necessary. Review the applicant's engineering report for any changes in the system, the volume of water demanded and the use or purpose of the withdrawal. Significant changes will be treated as a new application as per 6 NYCRR § 621.11(h). A request for a permit modification that is based on a change in ownership but that need not be treated as a new application pursuant to 6 NYCRR §621.11(h) may be treated as a minor modification.

VI. Related References

NYSDOH Recommended Standards for Water Works (2012)

NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems (2014)

NYSDEC TOGS 1.3.12: Implementation of Flow-Related Conditions in Water Withdrawal Permits (2017) www.dec.ny.gov/docs/water_pdf/togs1312passby.pdf

ATTACHMENTS

- A:** New Permitting Procedures for Public Water Supply Systems
- B:** Susquehanna River Basin Commission MOU
- C:** Delaware River Basin Commission Coordination Process
- D:** Water Withdrawal Permitting Checklist for Administrative Completeness
- E:** Water Withdrawal Permits – List of General (Required) and Special Permit Conditions
- F:** Typical Schematics for Irrigation and Snow Making Facilities

Attachment A

NEW PERMITTING PROCEDURES FOR PUBLIC WATER SUPPLY SYSTEMS

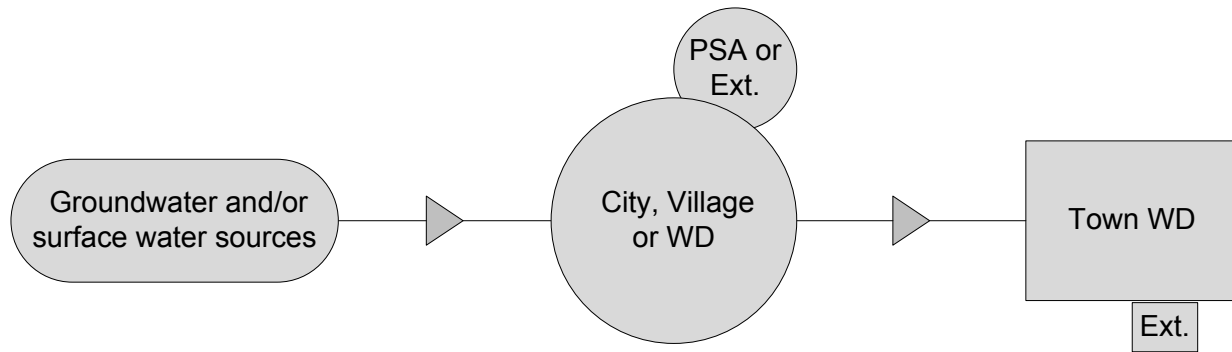
Recent changes to ECL 15-1501 and NYCRR Part 601 expand the permit program to include withdrawals for purposes beyond public water supply, such as those for commercial, manufacturing, industrial, oil and gas development, and other purposes. However, the amendments also limit the permit program to only include withdrawals that meet or exceed a threshold volume of 100,000 gallons per day (gpd). The effect is to regulate more of the higher-volume withdrawals across the state while no longer issuing water withdrawal permits for lower-volume public water supplies. Under the amendments, the terms ‘withdrawal’ and ‘withdrawal of water’ are very specific: they mean to remove or take water “from the waters of the State,” such as from reservoirs, wells, springs, etc.. These terms indicate a direct withdrawal of water involving an intake or a well. A “withdrawal” may be contrasted with, for example, the “purchase” of water by one municipality from another municipality or water district that operates an intake or well (*i.e.*, a withdrawal).

Existing public water supply permits. Under the amendments, existing public “water supply” permits continue in full force and effect. If the operator takes any action that triggers a permit modification under the new regulations (*e.g.*, increases its service area *and* the resulting withdrawal is above the threshold volume), then during the modification process the Department must update the old permit with new terms and conditions that are required under the new program in accordance with the recent amendments and regulations.

New water withdrawal permits for public water supplies. New public water supply systems with the capacity to meet or exceed the 100,000 gpd threshold volume will need a “water withdrawal” permit under the revised program, unless exempt.

- I. What requires a new permit or modification?
 - proposed systems for the “withdrawal” of the waters of the State with a capacity that will meet or exceed 100,000 gpd.
 - this applies both to “withdrawals” from new sources of water and to increased “withdrawals” from existing sources.
 - this also applies to the extension of a “service area” of public water supply systems with a capacity that meets or exceeds the threshold volume.
- II. What does not require a new permit?
 - the proposed purchase of water (regardless of volume) from a permitted water withdrawal system.
 - the proposed formation or extension of a “service area” where the “withdrawal” does not have the capacity to meet or exceed 100,000 gpd.
 - a proposed new source of water (*e.g.*, a new reservoir), new “withdrawal” of water (*e.g.*, new intake or well) from an existing water source, or an increased “withdrawal” from an existing water source, that will not meet or exceed 100,000 gpd.

TYPICAL PUBLIC WATER SUPPLY SCHEMATIC



PSA = Permissive Service Area
 Ext. = Extension
 WD = Water District
 WWS = Water withdrawal system

EXAMPLES OF PROPOSALS	Needs Permit?
City WWS with existing capacity of $\geq 100,000$ gpd adds new reservoir	Yes
New WD created with wells $\geq 100,000$ gpd	Yes
Village adds wells that increase total capacity to $\geq 100,000$ gpd	Yes
New PSA for Village with springs $\geq 100,000$ gpd	Yes
New interconnection of two WWSs with flow in both directions	Yes
New WD that purchases all of its water	No*
New extension of WD that purchases all of its water	No*
Village system $< 100,000$ gpd required by DOH to add redundant well	No**
<p>* Purchaser and amounts are to be listed in the <u>seller's</u> permit when it is modified or renewed. Seller's permit is to be conditioned on agreements with purchasers that require compliance with specific amounts and the conditions, including water conservation requirements, in the seller's permit for all new sales. Seller is also to list all new sales in its annual water withdrawal reports. Exception: permit is required of seller if the proposed project would result in an interbasin diversion of > 1 mgd.</p> <p>** See Part 601 definition of Threshold Volume. DOH was concerned that facilities under the 100,000 gpd threshold would resist adding redundant wells if they need a new permit.</p>	

Language for letters responding to unnecessary applications.

Recent revisions to the New York State Environmental Conservation Law ("ECL") § 15-1501 and the associated regulations (6 NYCRR Part 601) require water withdrawal permits for all water withdrawal systems with the capacity to withdraw 100,000 gallons per day (gpd) or more from the waters of the state (e.g., from reservoirs, streams, lakes, springs, etc.). Given that your proposal involves a system that would withdraw a volume that is under this threshold, or solely a purchase of water from a seller with a water withdrawal system that already has a water withdrawal permit, your application is being returned as a permit is not needed at this time.

However, if your proposal is solely for the purchase of water from a seller with a water withdrawal system that already has a water withdrawal permit, both you and the seller, by copy of this letter, are advised that the seller is to list all new sales in its annual water withdrawal

reports. In addition, when the seller is required to renew or modify its water withdrawal permit, the modified permit is to list all such sales, including the sale to you, as well as the agreed volumes.

The Department's water withdrawal permitting regulations may be viewed at [Part 601](#) . More information on the Department's water withdrawal permitting program may be viewed at <http://www.dec.ny.gov/permits/6036.html>.

cc: Proposed seller (including WWA #) [if the subject of the application was a purchase]

Existing Public Water Supplies Without Permits

There are a small number of existing public water supply systems that meet the 100,000 gpd threshold but developed their sources of supply prior to the original 1906 statute and do not have any historical water supply permits. These systems did not report new actions over the years that triggered a permit application under the pre-2012 version(s) of the law. Under the 2012 amendments to the statute, these systems now require water withdrawal permits, and applications should have been or else should be submitted to the Department. These systems cannot be the subject of 'initial permit' applications because 'initial permits' are not issued for public water supplies pursuant to 6 NYCRR §601.7. These systems should, however, generally be treated in a similar fashion as they already exist and therefore do not need a project justification or evaluation of alternatives in the application process. Of course, if the applicant includes proposed new or increased sources or service areas, the application for these actions should be considered as new. Public water supply systems which have permits that also document the existence of pre-1906 sources and service areas need not submit a permit application.

ATTACHMENT B

MEMORANDUM OF UNDERSTANDING

Regarding Regulatory Program Coordination Between The Susquehanna River Basin Commission & The New York State Department of Environmental Conservation

This MEMORANDUM OF UNDERSTANDING (MOU) is made by and between the Susquehanna River Basin Commission (Commission), a federal-interstate compact commission, and the New York State Department of Environmental Conservation (NYSDEC), for the purpose of facilitating coordinated review of water withdrawal projects, avoiding duplication of effort, and assuring the overall protection of water resources in the New York State portion of the Susquehanna River Basin.

The Commission and NYSDEC hereby agree as follows:

1. The Susquehanna River Basin Compact (Compact), P.L. 91-575, Section 3.7, Coordination and Cooperation, authorizes the Commission to enter into cooperative arrangements with its member states to avoid duplication and enhance the efficiency of water resources management in the basin.
2. Commission Regulation 18 CFR §806.7(b), which implements Section 3.7 of the Compact, provides, in part, as follows:

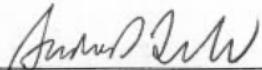
To avoid duplication of work and to cooperate with other government agencies, the Commission may develop administrative agreements or other cooperative arrangements with appropriate agencies of the member jurisdictions regarding joint review of projects. These agreements or arrangements may provide for joint efforts by staff, delegation of authority by an agency or the Commission, or any other matter to support cooperative review activities.

3. NYSDEC statutory authorities related to water withdrawal permitting, reporting and registration are contained in the Environmental Conservation Law, §3-0301(2)(m), Article 15, Titles 15, 16 and 33, and Article 21, Title 10. Its regulations implementing that authority are contained in 6 NYCCR Part 601.
4. Commission statutory authority to regulate projects affecting the water resources of the basin, including but not limited to withdrawals, consumptive use and diversions, is set forth in Article 3 of the Compact. The classes of projects subject to regulatory review, and the standards and procedures applicable thereto, are set forth in the Commission's regulations, published at 18 CFR Parts 801 and 806 – 808.

5. The parties to this MOU recognize and acknowledge that both the statutory authorities and respective regulations of the two agencies are not identical in terms of scope, standards or procedure. As a result, projects utilizing the water resources in the New York State portion of the basin fall into one of the following categories:
 - a. Projects subject to regulation by both agencies.
 - b. Projects subject to regulation by NYSDEC, but not by the Commission.
 - c. Projects subject to regulation by the Commission, but not by NYSDEC.
 - d. Projects not subject to regulation by either agency.
6. The ***Coordination Process For Regulatory Program Activity*** document attached hereto as Attachment A and incorporated herein by reference outlines a process that is intended to facilitate communication and coordination on projects in any of the categories identified in Section 5 above, but will primarily be used for water withdrawal and consumptive use projects under review by the Commission. Many of these projects would otherwise be subject to regulation by NYSDEC, except that its statute, §15-1501(7)(b), and its implementing regulations, 6 NYCCR §601.9(b), exempt from NYSDEC permitting requirements any withdrawals for which an approval has been issued by the Commission. In addition, this coordination process will also be used to facilitate data sharing, including but not limited to water use registration and withdrawal/use data. The parties agree to evaluate and, if appropriate, update the coordination process from time to time.
7. With regard to projects under review by the Commission, the parties to this MOU recognize and acknowledge that a primary objective of the coordination contemplated hereunder is to obtain consensus on all issues and conditions prior to the Commission's approval of any withdrawal projects in the New York State portion of the basin.
8. In conjunction with the Commission's adoption of its Low Flow Protection Policy (Policy No. 2012-01) on December 14, 2012, the Commission and NYSDEC executed an agreement concerning the implementation of the policy in conjunction with water withdrawal approvals. Pursuant to the agreement, the parties agreed and do hereby affirm, among other things, to the following:
 - a. Consistent with the Policy No. 2012-01, in the event consensus is not reached, the Commission agrees to incorporate into its approval any provision of NYSDEC's adopted regulatory requirements or technical guidance regarding low flow protection that are more stringent than those contained in Policy No. 2012-01 and its Technical Guidance, upon the written request of NYSDEC.
 - b. NYSDEC agrees to support any determination based on its regulatory requirements or technical guidance.
9. In the event the Commission or NYSDEC adopt new regulations, policy or guidance that change the review criteria for water withdrawal projects, the parties agree that this MOU and/or Attachment A thereto, may be amended, as necessary, to address said changes.

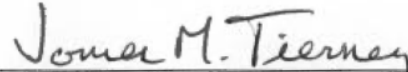
10. The parties to this MOU agree that nothing contained herein shall be construed as a waiver of any other authority possessed by either the Commission or NYSDEC, including the right to regulate withdrawals, consumptive water uses or diversions of water, or the right to reopen dockets or permits, or make additional orders or conditions that may be necessary to protect the public health, safety and welfare or the environment. Prior to taking such actions, each agency shall notify the other, and to the extent practicable or necessary, shall coordinate such actions.
11. This MOU may be amended by mutual consent of the parties. It shall be effective upon its execution and shall be terminable by either party upon 30 days written notice. It does not create any rights in any person or entity not a party hereto; nor is it intended to and does not create any contractual or other rights or obligations with respect to the parties themselves.

IN WITNESS WHEREOF, the Commission and NYSDEC, by and through the duly authorized representatives of each, have executed this Memorandum of Understanding by affixing their respective signatures hereunder:



Andrew Dehoff, Executive Director
Susquehanna River Basin Commission

April 27, 2015 (Date)



James M. Tierney, Assistant Commissioner
for Water Resources
New York State Department of
Environmental Conservation

April 20, 2015 (Date)

COORDINATION PROCESS FOR REGULATORY PROGRAM ACTIVITY

New York State Department of Environmental Conservation & Susquehanna River Basin Commission

This document is intended to memorialize the process to be utilized to effectuate coordination between the New York State Department of Environmental Conservation (NYSDEC) and the Susquehanna River Basin Commission (Commission) in the exercise of their respective water resource regulatory authorities in the New York State portion of the Susquehanna River Basin (basin), as committed to in the Memorandum of Understanding (MOU) executed by the two agencies. This coordination process is intended to promote intergovernmental cooperation, avoid unnecessary duplication of staff functions, minimize burdens on the regulated community, and generally allow for the efficient use of agency resources in protecting the water resources of the basin.

The majority of New York State's portion of the basin lies within NYSDEC Regions 7 and 8, with smaller portions located with NYSDEC Regions 4, 6, and 9. (Figure 1: Map of NYSDEC Regions and SRBC basin).

The coordination process identified below is intended to facilitate communication and coordination on projects in any of the categories identified in Paragraph 5 of the MOU, but it will primarily be used for water withdrawal and consumptive use projects under review by the Commission. Many of these projects would otherwise be subject to regulation by NYSDEC, except that the statute (§ 15-1501(7)(b)) and the implementing regulations, 6 NYCRR § 601.9(b), exempt from permitting any withdrawals for which an approval has been issued by the Commission.

Beyond project review, the coordination process will also be used to facilitate data sharing, including but not limited to water use registration and withdrawal/ use data.

All references to NYSDEC Regional Permit Administrator in this document shall include the Administrator's designee. All references to Project Review Manager in this document shall include the Manager's designee.

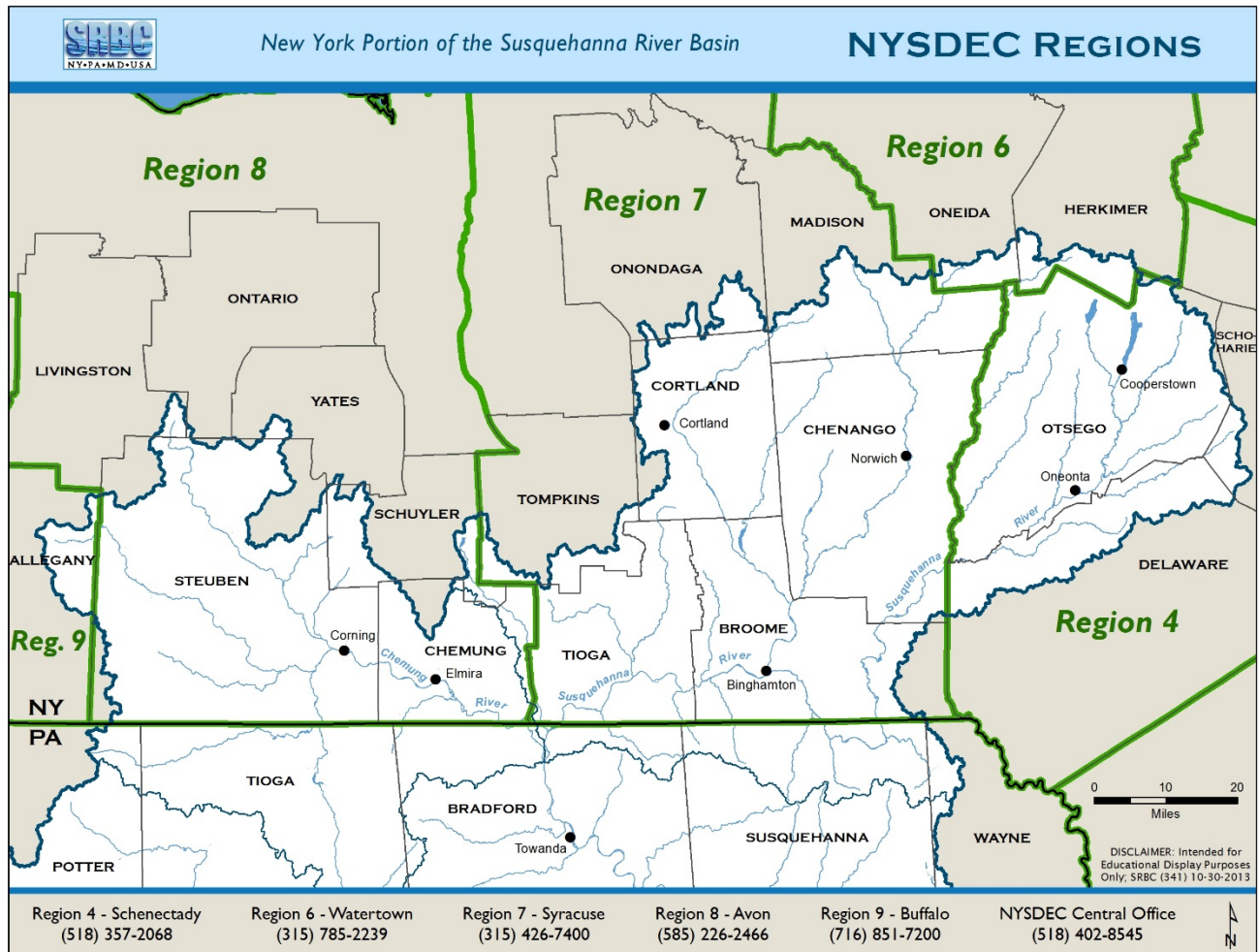


Figure 1. Map of NYSDEC Regions and SRBC basin

Project Application Review

The official record for the project, including but not limited to the project application, will be retained by the Commission pursuant to Policy No. 2010-01, Records Retention Policy. Docket files, containing materials related to the Commission's approval of water resource projects, are retained permanently under that policy. Records shall be made available to NYSDEC pursuant thereto.

Pre-application notifications

Prior to preparing an application, both NYSDEC and the Commission strongly recommend that a project sponsor request a pre-application meeting. The Commission reinforces this recommendation when applicants register to use the online application system.

NYSDEC (Regional Permit Administrator) and the Commission (Project Review Manager) will provide each other with early written notification (email notification is preferred) of a pre-application meeting with a project sponsor. At such meetings, both agencies will advise the project sponsor of authorities of the other agency (information could be guidance, fact sheets, or other written materials) and provide contact information for the other agency. To facilitate early communication about projects, participation by staff representatives from both agencies (in person, or via video or teleconferencing) in such meetings is encouraged. As appropriate, minutes or notes from these meetings should be transmitted to the other agency within 30 days.

Aquifer testing/pumping test results

Commission regulations require that aquifer test results be submitted as part of any groundwater withdrawal application. Note that the Commission also requires the submittal for review and approval of testing plans prior to conducting a test.

The Project Review Manager will provide the Commission's Aquifer Testing Guidance to all parties interested in developing a groundwater source.

The Commission will provide the NYSDEC Regional Permit Administrator with written notification (commonly via email notification) when a project sponsor submits an aquifer testing plan, and will share such plans with NYSDEC's staff upon written request. NYSDEC staff will transmit any relevant comments on the testing plan to the Commission within 30 days of receipt of the plan.

The Commission will review the aquifer testing plan in accordance with applicable regulations and requirements of the Commission and the terms of this coordination agreement. For those plans determined to be incomplete, the Commission will notify the project sponsor in writing of the deficiencies and copy the appropriate NYSDEC designee. Commission staff will also copy NYSDEC on correspondence to the project sponsor approving a testing plan.

Application requirements and Project Review fees

Project sponsors for water withdrawal and use projects that are subject to regulation by the Commission, but not by NYSDEC, or subject to regulation by both agencies, will be expected to make application on forms provided by the Commission and available online. For most project types, the entire application process takes place online. The projects are also subject to the Commission's Project Review Fees.

New York SEQR Process

NYSDEC regulations provide that certain projects or activities proposed or permitted by a state agency or local governmental unit require an environmental impact assessment as prescribed by 6 NYCRR Part 617 State Environmental Quality Review (SEQR). SEQR requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting. The Commission is not a state or local agency subject to SEQR.

The Commission and NYSDEC acknowledge that a project may be subject to SEQR. Responsibility to comply with SEQR for such actions remains with the appropriate state or local agency.

At a pre-application meeting, or after a sponsor submits a project application, or otherwise as soon as reasonably possible, NYSDEC staff will provide written notification if it appears that the project is subject to SEQR. NYSDEC staff will thereafter apprise the Commission of the status and completion of the SEQR review. When NYSDEC is an involved agency in the SEQR review, it will notify the Commission within five days of completion. When NYSDEC is not an involved agency in the SEQR review, it will notify the Commission as soon as reasonably possible.

To the extent possible, the Commission's review of withdrawal applications should be coordinated with the lead agency for SEQR review.

Application receipt

Upon receipt of the project application from the project sponsor, the Commission will post notice on its Water Resources Portal and electronically notify NYSDEC staff via RSS feed¹, which is capable of screening project applications by location (county and state). This posting occurs upon receipt of a complete application, which follows the publication of public notice by the project sponsor (approximately 30 days following submittal of the draft application).

Major portions of the application, including the project sponsor name, project location, and requested quantity of the proposed use or withdrawal, are viewable by NYSDEC on the Commission's Water Resources Portal. After administrative review is complete, the entire application, including supplemental materials and all documents uploaded by the project sponsor, will be made available to NYSDEC through a private (secure) website managed by the Commission, or other secure manner. To access the website, NYSDEC staff must sign in by user name and password.

For those projects determined by the Commission to be administratively incomplete, the Project Review Manager will notify the project sponsor in writing and copy the appropriate NYSDEC Regional Permit Administrator.

Application review

The Commission will review the project in accordance with applicable regulations and requirements of the Commission and the terms of this coordination agreement.

NYSDEC may provide comments and technical assistance to the Commission in its review of a project by submitting such to the Commission.

¹ RSS (Rich Site Summary) is a format for automatic delivery of regularly changing web content. The Commission syndicates its project application content on the Water Resources Portal as an RSS Feed to whoever wants to receive it.

The Project Review Manager may provide comments and technical assistance to NYSDEC in its review of a water withdrawal project in the basin not regulated by the Commission by submitting such to the NYSDEC.

For those projects determined to be technically deficient by the Commission or if additional information is necessary, the Project Review Manager will notify the project sponsor in writing and copy the appropriate NYSDEC Regional Permit Administrator.

During technical review, the Project Review Manager will contact the appropriate NYSDEC Regional Permit Administrator via email to determine if there are any issues that may impact the processing or priority of processing of the application.

NYSDEC staff may choose to accompany Commission staff during site evaluations. At the earliest practicable time, the Project Review Manager will notify the appropriate NYSDEC Regional Permit Administrator of the following:

- any site investigation (these are conducted for all applications);
- inspections of aquifer test monitoring network;
- aquatic resource survey(s); and
- public informational meeting(s).

Routine review activities such as aquatic resource surveys and site evaluations are scheduled in advance and these schedules may be posted on the secure website to facilitate coordination and participation by NYSDEC staff. However, note that all field activities are subject to possible scheduling changes, thus all arrangements for joint inspection of specific projects must be confirmed in advance.

The Project Review Manager may request to accompany NYSDEC staff during site evaluations. At the earliest practicable time, the appropriate NYSDEC Regional Permit Administrator will provide notice of field surveys and facility inspections.

Participation in joint field surveys and site evaluations by staff of the two agencies shall be governed by the legal authority for the same of the respective agencies, either statutory or regulatory, and otherwise by any policy adopted thereunder by the respective agencies. Nothing contained herein shall supersede, preempt, or be inconsistent with such authorities.

The Project Review Manager and the appropriate NYSDEC Regional Permit Administrator will work together to resolve any issues regarding a subject project prior to the project being noticed for action by the Commission.

Pre-decisional coordination

Commission determinations for most projects are made at regularly scheduled Commission business meetings. The Commission meets four times each year, usually in March, June, September, and December. The Commissioners have delegated authority for some actions, including Approvals by Rule, to the Executive Director.

The Project Review Manager will notify NYSDEC of active applications on a quarterly basis, approximately 8-10 weeks prior to a Commission business meeting. This commonly will be in the form of a spreadsheet that contains summary information for each active project in the New York State portion of the basin.

The Project Review Manager will provide to NYSDEC for review and comment the results of Commission staff's technical analysis, including any recommendations for passby and other determinations for active project applications as they become available. The NYSDEC Regional Permit Administrator will notify the Commission if there are any issues that may impact the processing or priority of processing of the application as soon as practicable.

Approximately 4 weeks prior to a Commission business meeting, the Project Review Manager will provide proposed final recommendations/determinations and conditions for the projects scheduled for action. NYSDEC will endeavor to submit any and all docket comments in writing (or requests for additional review time) to the Project Review Manager within 10 days. The Commission will work with NYSDEC in the development of standard conditions that should be included in all dockets for projects located in the New York State portion of the basin, consistent with the Commission's project review regulations. The agencies will review such conditions periodically and make any necessary modifications as deemed appropriate. The Project Review Manager will work with the NYSDEC Regional Permit Administrator to resolve any comments submitted by NYSDEC. In the event consensus is not reached concerning low flow protection, the NYSDEC Regional Permit Administrator shall request in writing that the Commission incorporate alternate provisions consistent with NYSDEC's adopted regulatory requirements and technical guidance, as more particularly described in the MOU.

The Project Review Manager will prepare recommendations for a Commission determination (Technical Review Memorandum) and draft docket for "Mailout" which occurs approximately 3 weeks prior to a Commission business meeting.

NYSDEC/Commission issued approvals

NYSDEC and the Commission agree to provide to each other copies of water withdrawal approvals issued for projects located within New York State and the geographic boundary of the basin within 30 days of the issuance of such approvals.

Public water supply applications

Public water supply permitting has been incorporated into NYSDEC's Water Withdrawal Permitting regulations and, as such, is covered by the general procedures previously identified.

The appropriate NYSDEC Regional Permit Administrator will review applications submitted by public water suppliers and conduct any necessary coordination with the New York Department of Health (NYDOH), copying the Project Review Manager on all correspondence. NYSDEC will coordinate with NYDOH and its principal staff contact to the extent required.

Consumptive water use Approval by Rule (ABR)

Upon receipt of a source application from a natural gas project sponsor under the ABR program, the Commission will notify NYSDEC staff. NYSDEC will review the request for bulk purchase from the public water supplier and conduct any necessary coordination with NYDOH, copying the Project Review Manager on all correspondence.

Data Sharing

NYSDEC approvals

For those water withdrawal projects subject to regulation by NYSDEC but not by the Commission, NYSDEC will provide the Commission with project data and copies of approvals issued for projects located within the New York State portion of the basin within 30 days of the issuance of such approvals.

Water use data

NYSDEC will supply all project water use data for use occurring in the basin to the Commission annually, as soon as practicable following the March 31 reporting deadline. Due to the potential adverse cumulative impact of smaller withdrawals on basin water resources, NYSDEC will also assist the Commission in acquisition of data for other withdrawals and uses from its sister agencies, such as that for public water supplies with capacities less than 100,000 gpd regulated by NYDOH.

NYSDEC will notify the Commission of projects that report water withdrawal/use capability of greater than 100,000 gpd and are not currently approved by the Commission, and will assist the Commission in identifying projects that may have sources grandfathered under the Commission's regulations. NYSDEC will also help in determining the historic use of such sources.

The Commission will make available to NYSDEC, upon its request, water use data for the basin in a form compatible with data from New York State's 15 other major basins.

NYSDEC and the Commission will exchange information on water use data analysis methods, including estimates for consumptive water use by sectors, for enabling enhanced future data comparisons between each agency's data.

Daily reference gage (passby) reporting

The Commission will make available upon request its daily streamflow gage (passby) reports to the NYSDEC Regional Water Engineer via email.

Water quality data

Commission and NYSDEC staff will continue to improve coordination for field data collection and analysis activities for water quality data. Examples of areas of collaboration include the exchange of information on biological data collection methods, side-by-side sample collection and analysis for enabling future data comparisons between Commission and NYSDEC data, and an ongoing exchange of information on the Commission's water quality studies conducted in New York State watersheds.

Compliance Activity

The Commission and NYSDEC have independent authorities under their respective statutes and regulations to take appropriate enforcement actions to ensure compliance with terms and conditions of their respective regulations, approvals, and permits. Each agency will cooperate with the other to the extent necessary to effectuate prompt and effective enforcement of the terms and conditions of each other's approvals.

Each agency will supply information and assistance to the other in connection with their respective compliance reviews.

Enforcement notifications

NYSDEC and the Commission agree to advise the other party of enforcement actions taken on projects having regulated water withdrawals and/or uses in the basin.

Joint inspection opportunities

In its routine inspections of facilities it regulates, NYSDEC will note and inform the Commission (Manager of Compliance) of any instances of possible non-compliance for projects approved by the Commission.

The Compliance Manager may request to accompany NYSDEC staff during facility inspections. At the earliest practicable time, the appropriate NYSDEC Regional Permit Administrator will provide notice of facility inspections.

To the extent practicable, NYSDEC and the Commission may conduct joint site compliance inspections.

Participation in joint inspections by staff of the two agencies shall be governed by the legal authority for the same of the respective agencies, either statutory or regulatory, and otherwise by any policy adopted thereunder by the respective agencies. Nothing contained herein shall supersede, preempt, or be inconsistent with such authorities.

Coordination Outreach

To initiate this coordination process, the agencies will convene one or more technical sessions involving Commission and NYSDEC Regional Office staff to familiarize all with respective jurisdictional programs, key personnel, and the coordination process in general.

Thereafter, at least annually, the agencies will convene a regulatory coordination meeting to review procedures and any intervening program modifications, address issues of concern, and orient new staff to the coordination process.

On an ongoing basis, active communication between those involved in the coordination process should result in effective and efficient utilization of the staff resources of both agencies.

Agency Contacts

The agencies will maintain and share active contact lists, identifying key personnel and contact information for all relevant program areas. At a minimum, those lists will be updated for each annual regulatory coordination meeting.

Changes to the Coordination Process

The Coordination Process outlined above will be reviewed annually. Changes may be made to this process description to reflect administrative and organizational changes as well as revision/amendment to either NYSDEC's or the Commission's regulations

ATTACHMENT C



**Department of
Environmental
Conservation**

Administrative Agreement

APPENDIX E: DRBC/NYSDEC Coordination Process for Water Withdrawal Regulatory Program Activities

New York State Department of Environmental Conservation & Delaware River Basin Commission

The following procedures will be utilized by the Water Resource Management Branch (WRMB), of the Delaware River Basin Commission ("Commission" or DRBC) and the New York State Department of Environmental Conservation (NYSDEC) for the purpose of facilitating coordinated review of water withdrawal projects, avoiding duplication of effort, and assuring the overall protection of water resources in the New York State portion of the Delaware River Basin. This coordination process is intended to promote intergovernmental cooperation, avoid unnecessary duplication of staff functions, minimize burdens on the regulated community, and generally allow for the efficient use of agency resources in protecting the water resources of the basin.

The majority of New York State's portion of the Delaware River Basin lies within NYSDEC Regions 3 and 4, with a smaller portion located within NYSDEC Region 7 (*see* Figure 1: Map of NYSDEC Regions and DRBC Basin).

The process described within this appendix is intended to facilitate communication and coordination on water withdrawal projects located within the Delaware River Basin within New York State that are either:

- a. subject to regulation by both the DRBC and NYSDEC; or
- b. subject to regulation by the DRBC, but not by NYSDEC.

ATTACHMENT C

NYSDEC statutory authorities related to water withdrawal permitting, reporting and registration are contained in the state's Environmental Conservation Law at: Section 3-0301(2)(m)¹; Article 15 – Title 15 (Water Resources – Water Supply); and Article 21 – Title 17 (Pollution Control Compacts – Delaware River Basin Water Commission Compact). In accordance with Section 151501(7)(b), water withdrawal projects that have received an approval from DRBC are exempt from the permit requirements of ECL Section 15-1501.²

Nothing contained in this appendix shall be construed as a waiver of any authority possessed by either the Commission or NYSDEC, including the right to regulate withdrawals, consumptive water uses or diversions of water, or the right to reopen dockets or permits, or issue orders or impose additional conditions that may be necessary to protect the public health, safety and welfare or the environment, consistent with the laws and regulations of the respective agencies. Prior to undertaking any such actions within the New York portion of the basin, each agency will notify the other, and to the extent practicable and appropriate, the agencies will coordinate such actions.

Beyond project review, the coordination process will also be used to facilitate water use registration and data sharing, including but not limited to the sharing of water withdrawal and water use data.

All references to the NYSDEC Regional Permit Administrator (“RPA”) and the DRBC Water Resource Management Branch Manager in this appendix shall be understood to encompass their respective designees listed in Section VII below. Written communications between the NYSDEC and the DRBC will generally be in the form of email.

I. Project Application Review

The official record for the project, including but not limited to the project application and all related docket files, will be retained by the Commission. Copies of records will be furnished to NYSDEC upon request.

A. Pre-application notifications

Prior to preparing an application, both NYSDEC and the DRBC strongly recommend that a project sponsor request a pre-application meeting. The DRBC staff will reinforce this recommendation when project sponsors contact them.

The NYSDEC RPA and the DRBC Manager will provide each other with early written notification (email is preferred) of a pre-application meeting with a project sponsor. To facilitate early communication about

¹ Article 3, Title 3, Sec. 301.2 m. (§3-0301(2)(m)) authorizes the NYSDEC, through its commissioner, to “[a]dopt such rules, regulations and procedures as may be necessary, convenient or desirable to effectuate the purposes of this chapter.”

² Also see, 6 NYCRR §601.9(b), exempting from NYSDEC’s water withdrawal permitting requirements “withdrawals that have received an approval from the Delaware River Basin Commission or Susquehanna River Basin Commission.”

ATTACHMENT C

projects, participation by representatives from both agencies (in person, or via video or teleconferencing) is encouraged. If either agency requests to participate in the pre-application meeting, the host agency will schedule the meeting at a mutually agreeable time and venue. At such meetings, in the event that a representative of only one agency is present, that representative will advise the project sponsor of the authorities of both agencies (by means of verbal notice and written guidance, fact sheets, or other materials) and will provide contact information for representatives of both agencies. As appropriate, minutes or notes from pre-application meetings will be prepared by the host agency and sent to the other agency within 30 calendar days.

B. Aquifer testing/ pumping test results

The Commission's regulations require that aquifer test results be submitted as part of any application for new or increased groundwater withdrawals. Project sponsors in the New York portion of the basin will be directed to follow the "Pumping Test Procedures for Water Withdrawal

Applications," TOGS³ 3.2.1, which is available on the NYSDEC website at:

<http://www.dec.ny.gov/lands/86950.html>, and to submit the results to the Commission as part of any groundwater withdrawal application submittal. Note that the Commission and NYSDEC will advise project sponsors to submit aquifer testing plans to the Commission for review and approval prior to conducting a test, especially if the project sponsor proposes to deviate from the NYSDEC Test Procedures. If deviations from DEC Test Procedures are requested, DRBC will consult with NYSDEC prior to approving them.

The DRBC staff will provide the NYSDEC RPA with written notification (commonly via email) when a project sponsor submits an aquifer testing plan, and will share the plan with NYSDEC staff. NYSDEC staff will transmit any relevant comments to the Commission within 30 days of receipt of the aquifer testing plan.

The DRBC staff will review the aquifer testing plan for consistency with applicable regulations and requirements of the Commission and the terms of this Agreement. For those plans determined to be incomplete, DRBC will notify the project sponsor in writing of the deficiencies, with a copy to the NYSDEC RPA. DRBC staff will also copy the NYSDEC RPA or designee on correspondence to the project sponsor approving a testing plan.

A. Application requirements and Project Review fees

Project sponsors for water withdrawal and use projects that are subject to regulation by the Commission but not by NYSDEC, or that are subject to regulation by both agencies, will be expected to make application on forms provided by the Commission and will be subject to the Commission's Project Review fees. Project sponsors will be required to complete the DRBC's Ground and/or Surface Water

³ "TOGS" stands for "Technical and Operational Guidance Series."

ATTACHMENT C

Withdrawal Application and the “Applicant’s Statement – Project Review Fee Form,” both of which are available on the DRBC website, drbc.net.

B. New York SEQOR Process

NYSDEC regulations provide that certain projects or activities proposed or permitted by a state agency or local governmental unit may be subject to review under 6 NYCRR Part 617 State Environmental Quality Review (SEQOR). SEQOR requires the sponsoring or approving governmental body to identify and consider the environmental impacts of the activity it is proposing or permitting. The Commission is not a state or local agency subject to SEQOR.

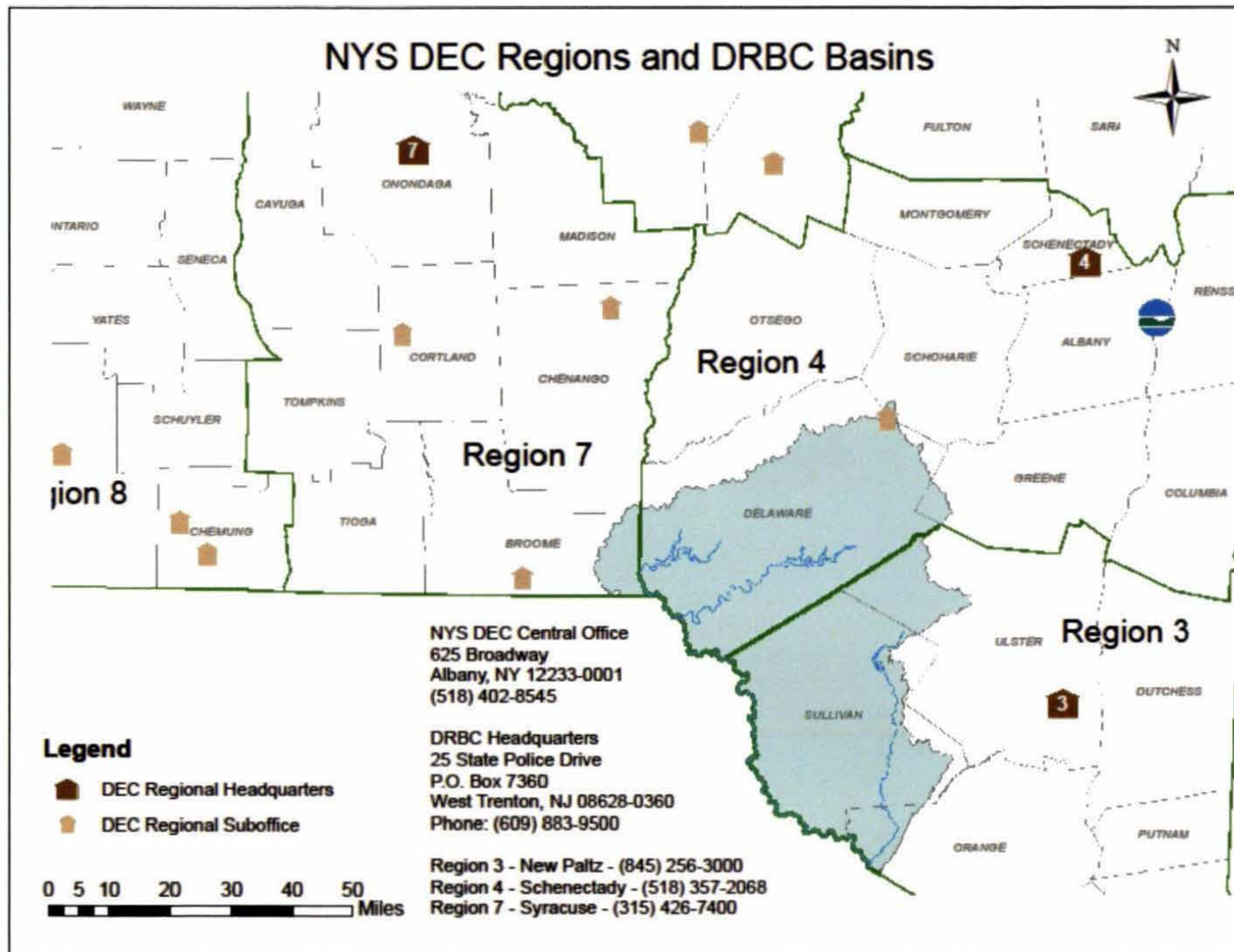


Figure 1: Map of NYSDEC Regions and the DRBC Basin area within New York State.

The Commission and NYSDEC acknowledge that a project may be subject to SEQR.

Responsibility to comply with SEQR will remain with the appropriate State or local agency.

Promptly following a pre-application meeting after a project application is submitted, or otherwise as early in the review process as reasonably possible, NYSDEC staff will notify DRBC in writing if NYSDEC is the lead or an “involved agency” in the SEQR review of an action.⁴ If NYSDEC is an “involved agency” under SEQR, NYSDEC staff will thereafter keep DRBC staff apprised of the status of the SEQR review, including notifying the Commission within five days of completion of the SEQR review.

To the extent possible, the Commission’s review of withdrawal applications should be coordinated with the lead agency for SEQR review.

A. Receipt of an Application

Upon receipt of the project application from the project sponsor, the DRBC Manager will post notice on DRBC’s “Application Status Page” on the Commission’s website and also will notify NYSDEC staff via email. The Application Status Page is capable of displaying project applications by type, state, name, etc. The Commission also issues a Notice of Application Received (NAR) and will provide the NYSDEC with an electronic copy of the NAR.

The entire application, including supplemental materials and all documents uploaded by the project sponsor, will be made available to NYSDEC electronically. Public records will continue to be made available to interested persons upon request, in accordance with the records access rules of DRBC and NYSDEC, respectively.

For those projects determined by the Commission to be administratively incomplete, the DRBC Manager will notify the project sponsor in writing with a copy to the NYSDEC RPA.

B. Pass-by flows

The Commission currently uses the ten-year 7-day low flow (Q7-10) statistic as the default passby flow for withdrawals from a stream. The Commission is currently studying and evaluating alternative low flow protection policies. For water withdrawal projects located within New York State and covered by this appendix, the Commission and NYSDEC agree that the conditions of approval recommended by

⁴ NYSDEC’s SEQR Handbook, 3rd Edition (NYSDEC Division of Environmental Permits, 2010) explains that “[f]or SEQR purposes, an agency is ‘involved’ when the determination is made that the agency has or will have a discretionary decision to make regarding some aspect of the action. Normally an agency becomes aware of its involvement when it receives an application or is contacted by another involved agency as part of a coordinated review.” See <http://www.dec.ny.gov/permits/6447.html>.

DRBC staff to the DRBC Commissioners will be consistent with any applicable NYSDEC regulatory requirement or technical guidance regarding low flow protection that results in more stringent protection than the Q7-10 pass-by flow. NYSDEC agrees in general to support Commission determinations based on NYSDEC's regulatory requirements and technical guidance, although it reserves the right to recommend departure from these requirements when doing so in NYSDEC's view better serves its or the basin's water management objectives and is consistent with applicable law.

C. Application review

The DRBC will review the project in accordance with applicable regulations and requirements of the Commission and in coordination with NYSDEC, as described in this appendix.

DRBC will afford NYSDEC timely opportunities to provide comments and technical assistance to the DRBC Manager in the review of projects.

For those projects deemed by DRBC staff to be technically deficient or if additional information is needed from a project sponsor, the DRBC Manager will notify the project sponsor in writing, with a copy to the NYSDEC RPA.

During technical review, the DRBC Manager will contact the NYSDEC RPA in writing to determine if the latter is aware of any issues that might not be evident from the applicant's submissions that could affect processing of the application.

NYSDEC staff may choose to accompany Commission staff during site evaluations. At the earliest practicable time, the DRBC Manager will notify the NYSDEC RPA in advance of scheduled:

- site investigations (conducted for all applications);
- inspections of aquifer test monitoring networks;
- aquatic resource surveys;
- public informational meetings; and
- Commission public hearings/ business meetings

DRBC staff will make best efforts to keep schedules shared with NYSDEC staff current. Because all field activities are subject to scheduling changes, however, arrangements for the joint inspection of projects should be closely coordinated and confirmed in advance.

The DRBC Manager may request that DRBC staff accompany NYSDEC staff during site evaluations scheduled by NYSDEC with a project sponsor. At the earliest practicable time, the NYSDEC RPA will provide DRBC with advance notice of scheduled field surveys and facility inspections.

Participation in joint field surveys and site evaluations by staff of the two agencies will be governed by the agencies' respective legal authorities and policies. Nothing contained herein should be construed to supersede or preempt such authorities.

The DRBC Manager and the NYSDEC RPA will work together to resolve any issues regarding review of a subject project before a draft approval is published by the Commission for public comment.

D. Public water supply applications

Public water supply permitting has been incorporated into NYSDEC's Water Withdrawal Permitting regulations and, as such, is covered by the procedures identified above.

The NYSDEC RPA will review applications submitted by public water suppliers and conduct any necessary coordination with the New York State Department of Health (NYSDOH), copying the DRBC Manager on correspondence as appropriate. NYSDEC will coordinate with NYSDOH and its principal staff contact to the extent required.

E. Pre-decisional coordination

Commission determinations for most projects are made at regularly scheduled Commission meetings, which are duly noticed and open to the public. The Commission meets four times each year, usually in March, June, September, and December. Each Commission business meeting is preceded by a public hearing, including on recommended docket approvals, which may be scheduled for a date four to five weeks in advance of the public meeting date.

The DRBC Manager will notify the NYSDEC RPA of active applications on a quarterly basis, approximately 8-10 weeks prior to the Commission's public hearing. This will commonly be by email and will be in the form of a spreadsheet that contains summary information for each active project in the New York State portion of the basin.

The results of the Commission staff's technical analysis, including but not limited to any preliminary recommendations for passby flows, will be provided to the NYSDEC RPA for review and comment as they become available. The RPA will notify the DRBC Manager as early as practicable of any concerns with these preliminary recommendations.

Approximately 5 weeks prior to a Commission public hearing, DRBC staff will furnish to NYSDEC staff a list of the projects scheduled for hearing, accompanied by a draft of each proposed docket, containing the findings and conditions that in DRBC staff's view are necessary to support a determination that the project does not substantially impair or conflict with the Commission's Comprehensive Plan. Within 10 days of receipt of a draft docket, NYSDEC will either submit all its comments in writing to the DRBC Manager or will request additional time for review. The DRBC Manager will work with the NYSDEC RPA to resolve any NYSDEC concerns. The Commission and NYSDEC also will work jointly to develop standard

conditions for dockets approving projects located in the New York State portion of the Basin. The agencies will review and revise such conditions periodically as appropriate. With respect to low flow protection, the approach will be as set forth in section “B” of this appendix.

F. NYSDEC/Commission issued approvals

NYSDEC and the Commission agree to provide each other with copies of water withdrawal approvals issued for projects located within the New York State portion of the Delaware River Basin within 30 days of the issuance of such approvals.

II. Data Sharing

A. NYSDEC approvals

For water withdrawal projects subject to regulation by NYSDEC but not by the Commission, NYSDEC will provide the Commission with project data and copies of final approvals within 30 days of the issuance of such approvals.

B. Water use data

1. DRBC Contact/Recipient. NYSDEC will furnish water use data for withdrawals located in the Delaware River Basin to a contact in DRBC’s Information Technology and Planning Branch, to be identified by the DRBC Manager. If an IT contact has not been identified, then the data will be furnished to the DRBC Manager.

2. Timing of data transfer. NYSDEC will furnish data to the Commission as soon as practicable following the March 31 reporting deadline established by DRBC’s Water Audit rule (Resolution No. 2009-1).

3. Types of data to be shared.

- Due to the potential adverse cumulative impact of smaller withdrawals on basin water resources, NYSDEC will assist the Commission in acquiring data from its state agencies for withdrawals and uses that NYSDEC would not ordinarily track, including for example, for public water supplies with capacities of less than 100,000 gpd regulated by NYSDOH.
- NYSDEC will notify the DRBC Manager of projects that report water withdrawals or withdrawal capability of greater than 100,000 gpd for which the owners or operators have not obtained Commission approval, and will assist DRBC in determining the historic use of such sources.
- The Commission will make available to NYSDEC, upon request, available water use data for the Delaware River Basin in a form compatible with data from New York State’s 15 other major basins.

- NYSDEC and the Commission will exchange information on water use data analysis methods, including estimates for consumptive water use by sectors, to enable enhanced future data comparisons.

C. Water quality data

[Reserved.]

III. Compliance

A. See Sections VII.A.2 and VII.A.3. of the Agreement of which this appendix is a part.

B. Joint compliance inspection opportunities

In connection with its routine inspections of facilities it regulates, NYSDEC will inform the Commission's Manager of any instances of possible non-compliance for projects approved by the Commission.

The NYSDEC RPA will provide the DRBC Manager with notice of planned inspections of withdrawal facilities located in the basin as far in advance of the inspection dates as possible. To the extent practicable, the RPA will also accommodate DRBC staff who wish to accompany NYSDEC during such inspections. NYSDEC and DRBC may also conduct joint compliance inspections.

IV. Coordination Outreach

To initiate the coordination process under this appendix, the agencies will convene one or more technical sessions involving Commission and NYSDEC Regional Office staff to familiarize all with respective jurisdictional programs, key personnel and the coordination process in general.

Thereafter, at least annually, the agencies will convene a regulatory coordination meeting to review procedures, discuss issues of concern to staff of either or both agencies, orient new staff to the coordination process, and make program modifications that they agree are necessary or convenient to fulfill the purposes of this Agreement.

V. Agency Contacts

The agencies will maintain and share active contact lists, identifying key personnel and contact information for all relevant program areas. The current list is attached. At a minimum, these lists will be updated for each annual regulatory coordination meeting.

VI. Changes to the Coordination Process

The coordination process outlined above will be reviewed annually. In accordance with Section III.B. of the Agreement, changes to this appendix may be made with the written mutual agreement of the

NYSDEC, Bureau of Water Resource Management, Water Quality Section Chief, and the DRBC Water Resource Management Branch Manager.

VII. Agency Contacts⁵ (*Contacts updated January 2017*)

DRBC

Director, Water Resource Management (throughout this appendix, “DRBC Manager”) Kenneth Najjar, Ph.D., P.E.
kenneth.najjar@drbc.nj.gov 609-883-9500 ext. 256

Project Review Section (PRS), Supervisor (Manager’s designee for most issues) David Kovach, P.G.
david.kovach@drbc.nj.gov 609-883-9500 ext. 264

Watershed Planning and Compliance Section Supervisor (Manager’s designee for compliance matters) Chad Pindar, P.E. chad.pindar@drbc.nj.gov 609 -883-9500 ext. 268

Information Technology (Manager’s designee for data sharing and IT issues) Water Resources Analyst Kent Barr
kent.barr@drbc.nj.gov 609 -883-9500 ext. 237

NYSDEC (*Contacts updated January 2017*)

Region 3:	Daniel Whitehead	RPA (845) 256 - 3801	daniel.whitehead@dec.ny.gov
	Shohreh Karimipour	RWE (914) 428 - 2505	shohreh.karimipour@dec.ny.gov
Region 4:	William Clarke	RPA (518) 357 - 2455	bill.clarke@dec.ny.gov
	Derek Thorsland	RWE (518) 357 - 2219	derek.thorsland@dec.ny.gov
Region 7:	David Bimber	RPA (315) 426 - 7440	david.bimber@dec.ny.gov
	Tim DiGiulio	RWE (315) 426 - 7471	tim.digiulio@dec.ny.gov
Central	Michael Holt	DOW (518) 402 - 8099	michael.holt@dec.ny.gov
Office:	James Garry	DOW (518) 402 - 8101	james.garry@dec.ny.gov 0
	Erik Schmitt	DOW (518) 402 - 8171	erik.schmitt@dec.ny.gov
	Brenan Tarrier	DOW (518) 402 - 8157	brenan.tarrier@dec.ny.gov

RPA Regional Permit Administrator
RWE Regional Water Engineer
DOW Division of Water

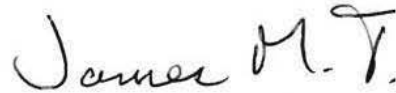
⁵ Names may be changed by written notification from the respective agencies to reflect personnel changes.

IN WITNESS thereof, the Commission, through its duly authorized Executive
NYSDEC, through its Commissioner or designee, as authorized by the Compact
the State of New York, respectively, have executed this Agreement by affixing
signatures thereto:



Steven J. Tambini, P.E., Executive Director
Delaware River Basin Commission

Date 3/21/2016



James Tierney, Assistant Com
New York State Department of
Environmental Conservation

Date 3/25/20

ATTACHMENT D

WATER WITHDRAWAL PERMITTING CHECKLIST FOR ADMINISTRATIVE COMPLETENESS Complete this Form ASAP upon receipt of application

Complete the information listed below before completing the table Or staple the DART process sheet to this form

Applicant Name: _____
WWA Number: _____
Application Receipt Date: _____
Permit Analyst: _____

Application Number: _____
DEC Region: _____
DEP Completeness Evaluation Date: _____
DOW Reviewer: _____

Item No.	Requirement (see, 6 NYCRR § 601.10)	<u>Present,</u> <u>Absent</u> <u>or N/A?</u>	DEP Task	DOW Task	Notes:
1	Electronic Copy of WWA (Recommended)		x		
2	Transmittal Letter		x		
3	Joint Application Form – signed		x		
4	W-1 Form		x		
Exhibit A	If Public water supply (PWS), project authorization including legal certification or proof of transportation corporation formation		x		
Exhibit B	General Map		x		
Exhibit C	Watershed Maps (if necessary)		x		
Exhibit D	-Contract plans for non-potable systems -Confirm that the plans were submitted to NYSDOH for PWS		x		
Exhibit E	Engineering Report (DOW Preferred Format includes Exhibits B,F, G and K)		x		
	PE Stamped and signed			x	
E-1	General description of project			x	
E-2	Listing of existing sources			x	
E-3	Evaluation of alternatives			x	
E-4	If PWS, population and consumption			x	
E-5	If PWS, 200 ft radius or DOH WRRs			x	
E-6	Dams or control structures			x	
E-7	Water demand calculations			x	
E-8	Fire protection demands, if proposed			x	
E-9	If pws, description of treatment			x	
E-10	Pump test data and analysis			x	
E-11	Safe yield / stream flow calculations			x	
Exhibit F	Water Conservation Program Form		x		
Exhibit G	Annual reporting form (for projects involving existing withdrawals)		x		
Exhibit H	Acquisition Maps (for projects that include acquisition, taking, lease or condemnation of lands)		x		
Exhibit I	For PWS Water Analysis – sent to DOH?		x		

Exhibit K	Project Justification – 8 questions answered			x	
Exhibit L	Canal withdrawal approvals (if applicable contact CO DOW)			x	
Exhibit N	Great Lakes Basin Diversion (if applicable contact CO DOW)			x	
5	SEQR Form		x		
6	SEQR Determination by applicant (if available)		x		
7	State Historic Preservation Office (SHPO) submission or No Effect Letter from SHPO		x		
8	Forms for other required permits?		x		
9	Coastal Consistency Determination		x		
10	Other Requirements (Complete “ <i>Application and SEQR Screening Checklist</i> ”)		x		
11	SEQR Determination by DEP		x		

Procedures:

DEP reviews application and then sends package with partially completed checklist to DOW for review. DOW reviews, completes its portion of checklist and returns to DEP.

When DEP sends a Notice of Incomplete Application, we should include a due date for response by the applicant. If minor changes are needed, we should require 10 days for response. If major changes are needed, we should allow 30 days for response. Tell the applicant the resubmission must include redlined versions of reports to allow for efficient review of the changes.

If DEP is conducting a SEQR review, we must have enough information to determine significance of the project prior to deeming the action Complete.

<p>For public water supply systems, send NOA to NYS Department of Health in Albany at :</p> <p>Michael Montysko, P.E. Design Section Chief NYSDOH BWSP Empire State Plaza Corning Tower Rm. 1135 Albany, NY 12237 518-402-7676 mjm07@health.ny.gov</p>	<p>For privately owned public water supply systems, send NOA to NYS Public Service Commission in Albany at:</p> <p>Jim Evensen NYS Dept. of Public Service Office of Electric, Gas & Water 90 Church St. N.Y. N.Y. 10007-2919 212-417-3141 james_evensen@dps.state.ny.us</p>
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ATTACHMENT E

Water Withdrawal Permits			
List of Required and Typical Permit Conditions (additional conditions may be necessary)			
Public Water Supply -WWP		Non – Public Water Supply - WWN	
DART #	Condition Name	DART #	Condition Name
395	Transfer of Ownership of Water Withdrawal Systems	395	Transfer of Ownership of Water Withdrawal Systems
623	Approval of Plans by NYSDOH		
626	Approval of Completed Works from NYSDOH	63285	Approval of Completed Works From NYS P.E.
65754	Permit Expiration and Renewal	65754	Permit Expiration and Renewal
628	Protect Land Around Well		
629	Enclose and Protect Pumping Facilities		
630	Water Sampled and Approved by NYSDOH		
631	Treatment Before Distribution		
633	Watershed Rules and Regulations		
634	No Distribution Beyond District w/o Approval		
635	Permissive Service Area		
45836	Map of Approved Water Supply Service Area		
636	Minimize Erosion	636	Minimize Erosion
637	Discharge of Chlorinated Water	637	Discharge of Chlorinated Water
63224	Source Approval Table	63224	Source Approval Table
63972	Water Sales Table	63972	Water Sales Table
65850	Service Area Approval Table		
65853	Interconnection Approval Table		
645	Diminished Private Drinking Water Wells	645	Diminished Private Drinking Water Wells
651	One Time Permit Transfer	651	One Time Permit Transfer
654	Meter all Sources and Customers	65748	Meter all Sources
655	Meter Calibration for Publicly Owned Systems	65749	Source Meter Calibration
656	Meter Calibration for Privately Owned Systems		
657	Conduct Water Audits	657	Conduct Water Audits
658	Leak Detection and Repair Program	65750	Leak Detection and Repair

659	Permittee Must Maintain Records	659	Permittee Must Maintain Records
47580	Annual Water Withdrawal Reports	47580	Annual Water Withdrawal Reports
65751	Agreements for Sale of Water	65752	Agreements for Water Sales
		65753	Cooling Water Withdrawals Regulated by SPDES
65762	Water Well Protection and Decommissioning	65762	Water Well Protection and Decommissioning

395 Transfer of Ownership of Water Withdrawal Systems: Unless otherwise specified in this permit, a new water withdrawal permit application is required for the acquisition or condemnation of the approved water withdrawal system.

623: Approval of Plans by NYSDOH:

Contract plans and specifications, or changes thereto, for a public water supply system for which a permit has been issued by the Department are subject to review and approval by the Department of Health prior to the commencement of construction.

626: Approval of Completed Works From NYSDOH

The water withdrawal permittee shall submit to the Department a copy of the Approval of Completed Works issued by the Department of Health before the commencement of final operation of the water withdrawal system.

63285: Approval of Completed Works From NYS P.E.

Any new works constructed or modified pursuant to this water withdrawal permit shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with the issued permit.

65754: Permit Expiration and Renewal

Any permittee who intends to continue to operate a water withdrawal system beyond the period of time covered in the applicable water withdrawal permit must apply for a renewal of the permit at least 30 days prior to its expiration unless a different deadline is specified as a condition of the permit.

628: Protect Land Around Well

All land within 200 feet of any well approved herein shall be protected and controlled, in order to prevent pollution of the ground or groundwater, by direct ownership of the land, by the acquisition of protective easements, or by other appropriate measures. Any lesser distances must be acceptable to the NYS Department of Health. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments, and the construction of the wells shall so be carried out that there shall be no opportunity for pollution to enter the wells.

629: Enclose and Protect Pumping Facilities

The physical pumping facilities and controls at any well site approved herein shall be protected against damage or tampering either by a fence or other suitable enclosure or by their manner of construction and installation.

630: Water Sampled and Approved by NYSDOH

Before any water from the source(s) approved herein may be used for any purpose, the permittee shall collect and analyze a sample of the water from each source and shall submit the results of such analyses to the NYS Department of Health (NYSDOH).

631: Treatment Before Distribution

Nothing contained in this permit shall authorize the permittee to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).

633: Watershed Rules and Regulations

If directed by the NYS Department of Health (NYSDOH), the permittee shall adopt watershed rules and regulations, pursuant to Section 1100 of the Public Health Law, for the protection from contamination of the water supply source(s) approved herein. A copy of such rules and regulations shall be filed with the
[Water Withdrawal Program]

634: No Distribution Beyond District Without Approval

Nothing contained herein shall authorize the permittee to distribute water to any water district extension or out of district user that has not already been approved by the Department or its predecessors without first obtaining a further permit from the Department.

635: Permissive Service Area

The permittee may extend its supply and distribution mains into and supply water in the permissive service area identified above in the Authorized Activity description on page one of this permit. However, nothing contained in this permit shall authorize the permittee to dispense with any consent of the local authorities of any part of this area which otherwise may be required; to enter into competition with or to parallel the distribution mains of any water supply system, either publicly or privately owned, now legally established therein; or to sell water to any water supply system, publicly or privately owned, until the owners and operators of such system have applied for and received a permit from this department. Further, the Department retains the right to alter the boundaries of this area; to authorize the construction of other water supply systems therein, both publicly and privately owned; and to authorize the development of other sources of water supply both within and without said area for the supply of water in said area. Generally, the authority

granted by this permit shall not be held in any way to restrict this Department in taking such action as it may deem suitable and proper on any water supply application which may come before it affecting this permissive service area.

45836: Map of Approved Water Supply Service Area The approved water service area of the [blank1] is shown on a map submitted with this application entitled, [blank2], by [blank3] and dated [blank4].

636: Minimize Erosion

During any construction directly or indirectly associated with the activities authorized herein, the permittee shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.

637: Discharge of Chlorinated Water

The permittee shall ensure that water used for disinfecting water mains, storage tanks and other water system appurtenances, if discharged to area streams, has a free chlorine residual not exceeding 0.05 milligrams per liter (mg/l) at the point of discharge.

63224: Source Approval Table

This table summarizes all system source approvals:

Source Approval Table

This table summarizes all system source approvals				
Well Field or Source of Water Supply	Source - Status	Past WWA Number	Individual Permitted Source Yield	Maximum Permitted Well Field Yield or Supply of Water
Well Field No. 1	Well-1 - Active		150 (gpm)	300 (gpm)
	Well-2 - Active		150 (gpm)	
Well Field No. 2	Well-3 - Active		500 (gpm)	500 (gpm)
	Well-4 - Active	This Mod.	500 (gpm)	
Village of Larch	Purchase - Active			15,000 (gpd)
Ash Reservoir	Emergency		1 (mgd)	0
Total Approved				1,167,000 (gpd)

65972: Water Sales Table

This table summarizes all water sales to outside customers:

Water Sales Table

This table summarizes all water sales to outside customers				
WWA No.	Modification No.	Water Purchased By	Approval Date	Maximum Sale Amt.
	-	Village of	5/4/48	200,000 gpd
	-	Town of W.D. No. 1	10/2/95	150,000 gpd
			Total Sales	350,000 gpd

65850: Service Area Approval Table

This table summarizes all approved water service areas:

Service Area Approval Table

Town of _____ Water Districts This table summarizes all Town water service areas			
WWA No.	Modification No.	Name	Approval Date
	-	Water District No. 1	12/7/27
	-	Water District No. 2	5/4/48
	-	Water District No. 3	8/3/68
	1	Water District No. 1 – Ext. No. 1	7/8/88
	2	Water District No. 4	10/2/95
This Mod.	3	Water District No. 2 – Ext. No. 2	Mod. Date

65853: Interconnection Approval Table

This table summarizes all approved water interconnections:

Interconnection Approval Table

Town of Hemlock Water District Interconnections This table summarizes all approved interconnections			
WSA No.	Modification No.	Interconnections	Approval Date
	-	Water District Nos. 1 and 2	5/4/48
	-	Water District Nos. 3 and 4	10/2/95

645: Diminished Private Drinking Water Wells

The permittee shall make provisions to provide an adequate supply of water to those residents whose private drinking water wells are significantly diminished or rendered non-productive by the permittee's use of the sources of water supply approved by this permit.

651: One Time Permit Transfer

The authority granted by this permit may be transferred by the Department to _____ established for the purpose of acquiring and operating the approved water withdrawal system. _____ shall submit a request for such transfer to the Department, accompanied by documents verifying that:

- a. _____ has legally acquired all facilities constructed by the permittee under the authority of this permit.
- b. That the acquired water withdrawal system and its sources of supply are the same as those previously approved.

Upon receipt of this documentation, the Department will issue a permit to the new owner.

654: Meter all Sources and Customers

The permittee must install and maintain meters on all sources of supply used in the system and on all customer service connections supplied by the system. Source master meters are to be read, and records kept of those readings on a weekly basis. At a minimum,

customer service meters are to be read, and records kept of those readings, at least once per year. The permittee must maintain records of production (master meter readings) and consumption (service meter readings) for each calendar year.

65748: Meter all Sources

The permittee must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The permittee must maintain records of water withdrawn and consumptive use for each calendar year.

655: Meter Calibration for Publicly Owned Systems

At least once every fifteen years, the permittee must have all of its small service connection meters (less than 1-inch in diameter) calibrated for accuracy according to standards of the American Water Works Association (AWWA). Larger service meters and all source meters must be calibrated more frequently, based upon the AWWA standards for the size of the meter used.

65749: Source Meter Calibration

All source meters or measuring devices shall be calibrated for accuracy at least once every year.

656: Meter Calibration for Privately Owned Systems

The permittee must periodically calibrate all of its water meters, including source meters, in accordance with applicable regulations of the NYS Public Service Commission (16 NYCRR, Part 500).

657: Conduct Water Audits

At least once annually, the permittee must conduct a system-wide water audit that utilizes metered water production and consumption data to determine unaccounted-for water.

658: Leak Detection and Repair Program

The permittee must develop and implement a leak detection and repair program that uses sonic detection equipment to inspect its entire distribution system in a systematic fashion. At a minimum, this program must cover the entire system in a three-year cycle by inspecting at least one-third of the system each year. Whenever two consecutive annual water audits show that unaccounted-for water is 15% or less of system production, the leak detection and repair program may be modified to cover the entire system in a longer cycle.

65750: Leak Detection and Repair

The permittee must develop and implement a leak detection and repair program using visual inspection of above ground piping and fittings and sonic detection equipment, meter-to-meter readings reconciliation or other methods acceptable to

the Department for the inspection of underground facilities' piping in a systematic fashion. Leaking pipes and fittings shall be repaired in a timely manner.

659: Permittee Must Maintain Records

The permittee must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The permittee must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

47580: Annual Water Withdrawal Reports

The permittee must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY. by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.

65751: Agreements for Sale of Water

The permittee may not sell water to any other municipality or private entity without the execution of a proper agreement or contract that includes: the amounts of water to be sold, a requirement that individual customers are metered and that water conservation measures consistent with those practiced by the permittee will be implemented. Such agreements shall be made available to the Department upon request.

65752: Agreements for Water Sales

The permittee may not sell water to any other entity without the execution of a proper agreement or contract that includes the amounts of water to be sold and a requirement that appropriate water conservation measures will be taken by the purchaser. Such agreements shall be made available to the Department upon request.

65753: Cooling Water Withdrawals Regulated by SPDES

Nothing in this water withdrawal permit shall supersede the need to, where necessary, obtain an appropriate SPDES permit that allows for the operation of a cooling water intake structure and the discharge of the amounts of water approved by this water withdrawal permit. If any modifications to the location, or capacity of the intake structure are required by the permittee's SPDES permit, permittee must also apply for a modification of this water withdrawal permit to reflect such changes.

65762: Water Well Protection and Decommissioning

The Permittee must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Supply Well Decommissioning Recommendations, <http://www.dec.ny.gov/lands/5000>. Decommissioning of any potable well must be documented on the form provided at http://www.dec.ny.gov/docs/water_pdf/welldecommissform.pdf. This must be forwarded to the address on the form and to the addresses below:

[Regional Permit Administrator].

[Regional Water Manager]

APPENDIX F
Typical Schematics For Irrigation and Snow Making Facilities

