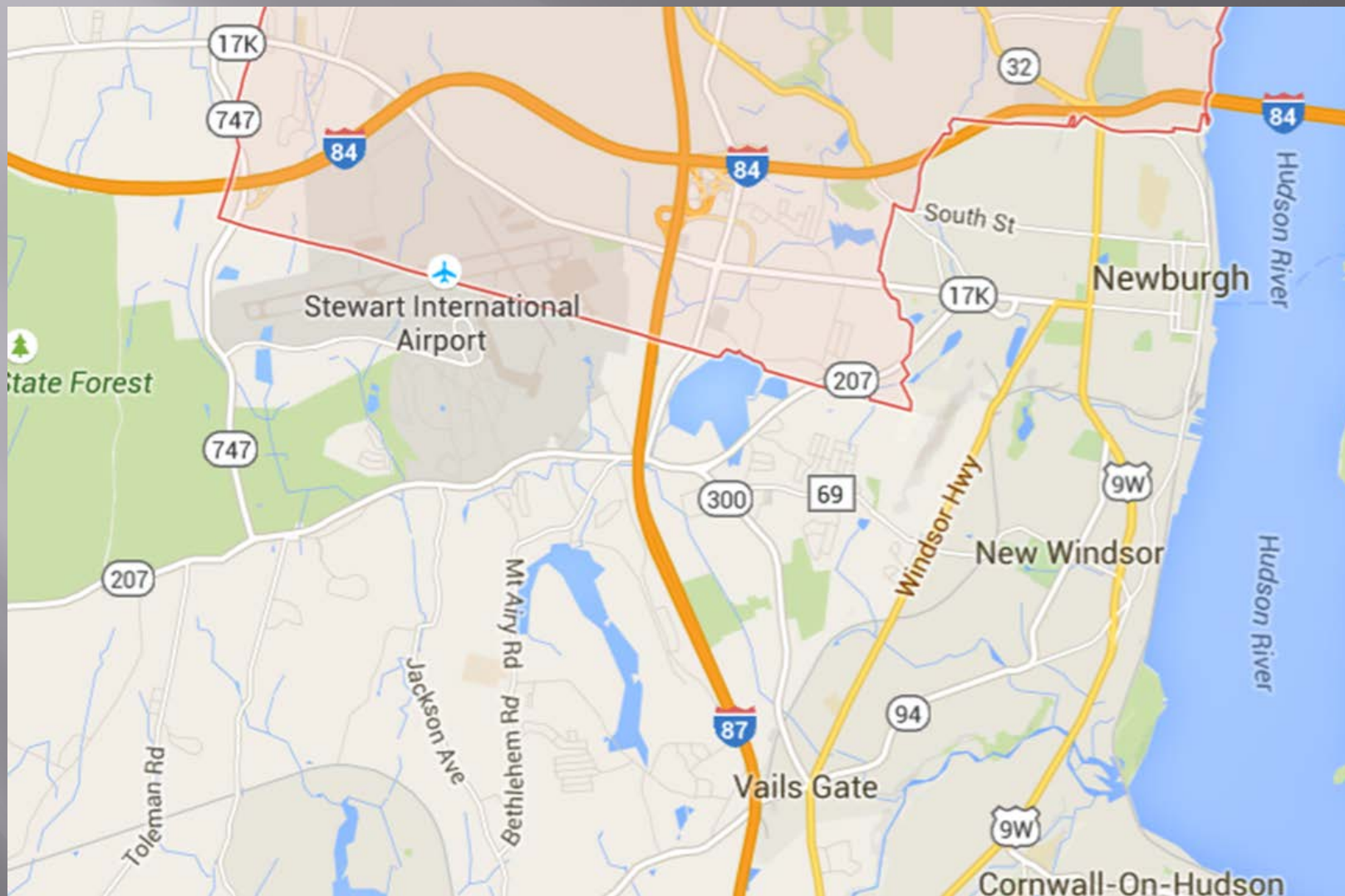


WATERSHED RULES AND REGULATIONS

EXTRATERRITORIAL AND
TRADITIONAL LAND USE
CONTROLS



Two central regulatory programs

ECL Article 15, Title 15

DEC may regulate the supply of water for public use from both surface and groundwater resources.

Public Health Law Article 11, §1100

DOH may promulgate regulations "for the protection from contamination of any or all public supplies of potable waters and water supplies of the State"

DOH WR&R PROGRAM

- Cholera epidemic of 1832 in New York City
- Legislature authorized appropriation of Croton Lake and Croton River to provide the City with "pure and wholesome water." L. 1834

DOH WR&R PROGRAM

10 N.Y.C.R.R. Parts 100 to 158
regulations to protect municipal supplies

10 NYCRR § 133.2 City of Newburgh

Shall apply to Washington Lake, Brown Pond, Lockwood Basin and/or to any reservoirs which may be constructed to serve as sources of the public water supply of the City of Newburgh and to all watercourses . . . tributary to or discharged into Washington Lake, Brown Pond, Lockwood Basin or said reservoirs.

DOH WR&R PROGRAM

10 NYCRR § 133.2 City of Newburgh

- Human excreta
- Sewage
- Wastes, refuse, garbage
- Boating, fishing, ice cutting
- Animals
- Manure
- Camps
- Cemeteries

DOH WR&R PROGRAM

Demise of the DOH WR&R Program

- Virtually all are outdated
- NYC and Syracuse done because of FAD
- DEC and EPA have taken over water quality
- DOH no longer gives it priority
- Advises municipalities get IMAs
- SWAP program authorized by SDWA in 1996
- SWAP staff has been disbanded
- Use SWAP to set boundaries

Surface Water Treatment Rule

40 C.F.R. Part 141, Subpart H

- Applies to public water systems supplied by surface water or by groundwater under the direct influence of surface water.
- Treatment must achieve 99.9% removal and/or inactivation of viruses.
- Filtration avoidance only if public water system maintains a watershed control program to minimize *Giardia lamblia* and viruses in the source water.
- Evaluated on "extent to which the water system has maximized land ownership and/or controlled land use within the watershed."
- Must demonstrate through ownership and/or written agreements with landowners that it can control all human activities which may have an adverse impact on the microbiological quality of the source water."

New York City WR&R

The Watershed

- 2,000 square miles
- 8 counties
- over 1 million people
- storage capacity of 550 billion gallons
- over 100 wastewater treatment plants

The MOA

- Effective January 21, 1997
- Signed by Governor, Mayor, EPA, DEC, DOH, DOS, EFC, DEP, seven watershed counties, 60 watershed towns, 12 watershed villages, the Coalition of Watershed Towns, the Catskill Watershed Corporation, and five environmental organizations.
- Approximately 1500 pages

New York City WR&R

Points to consider in an IMA

- Estimated 60% of the contamination of reservoirs comes from stormwater
- impervious surface and stormwater restrictions are particularly stringent.
- in a phosphorus or coliform restricted basin, SWPPP must include an analysis of phosphorus or coliform runoff, before and after the land disturbance activity, and include measures to capture and treat the two-year, 24-hour storm runoff from the disturbed area.
- Construction of an impervious surface within 100 feet of a watercourse or wetland, or within 300 feet of a reservoir, reservoir stem, or controlled lake, is prohibited.

New York City WR&R

Land Acquisition

- By 2006, NYC had tripled its land holdings West of Hudson.
- All acquisitions are on a willing-buyer, willing-seller basis
- Advance community review of recreational, land use and management plans required for the land to be acquired.

Partnership Programs

- Build environmental and water quality infrastructure
- Septic repair and replacement
- Stormwater collection retrofit
- Sewer extensions
- Construction of new wastewater treatment plants

Harlem Valley Aquifer and Land Use Plan

Initial Study by the Chazen Companies

- Identify and characterize regional aquifer systems
- Inventory threatening land uses
- Develop comprehensive water resource management and protection program

Funded by

- HRV Greenway Communities Council
- Dutchess County Water & Wastewater Authority
- In kind effort contributed by Towns

Harlem Valley Aquifer and Land Use Plan

Recommended Districts

- Valley Bottom Aquifer District (VBAD)
- Upland Aquifer District

Land Use Restrictions

- VBAD is most restrictive
- Upland District allows more risky activities

Intermunicipal Agreements

General Municipal Law § 119-u

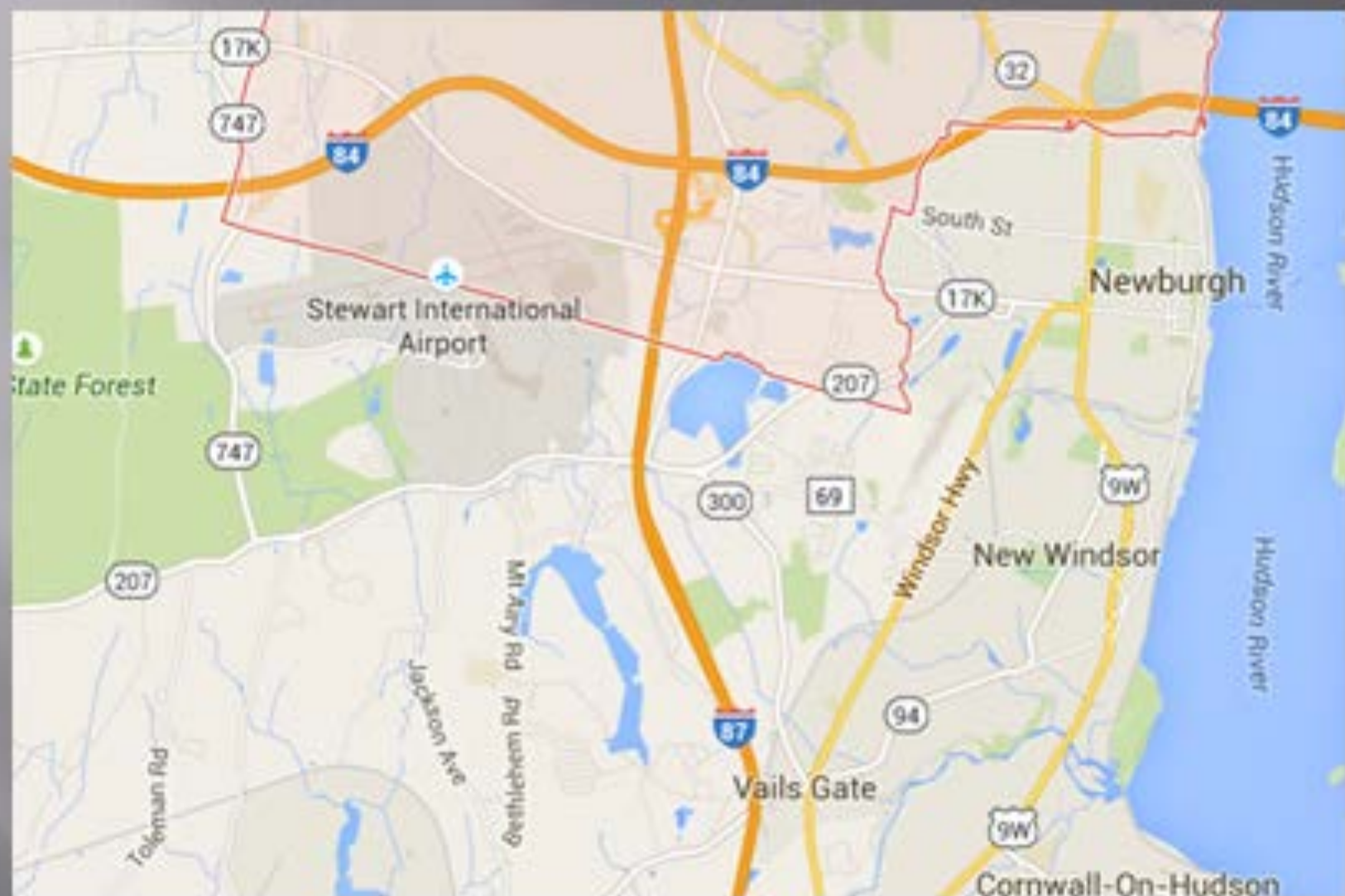
- Authorizes intermunicipal cooperation in comprehensive planning and land use regulation
- “By the enactment of this section the legislature seeks to promote intergovernmental cooperation that could result in increased coordination and effectiveness of comprehensive planning and land use regulation, more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.”

Intermunicipal Agreements

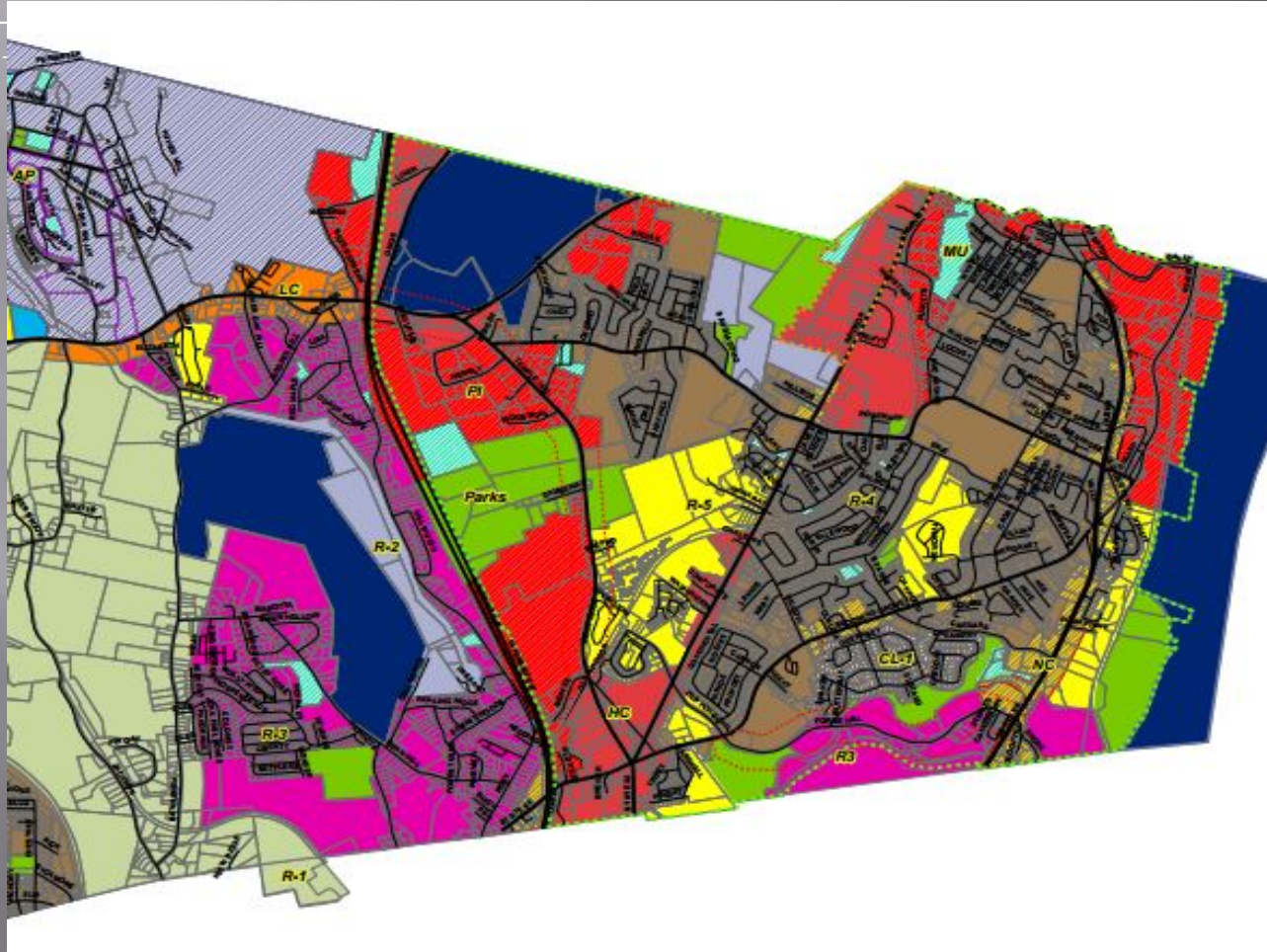
- Each municipality is authorized to enter into agreements with any other municipality to undertake all or a portion of land use powers
- Any municipality is authorized to enter into agreements with the county planning agency to perform and carry out certain ministerial functions related to land use planning and zoning
- Such agreements shall apply only to the exercise of any power of the municipal corporations has

East of Hudson Watershed Corporation

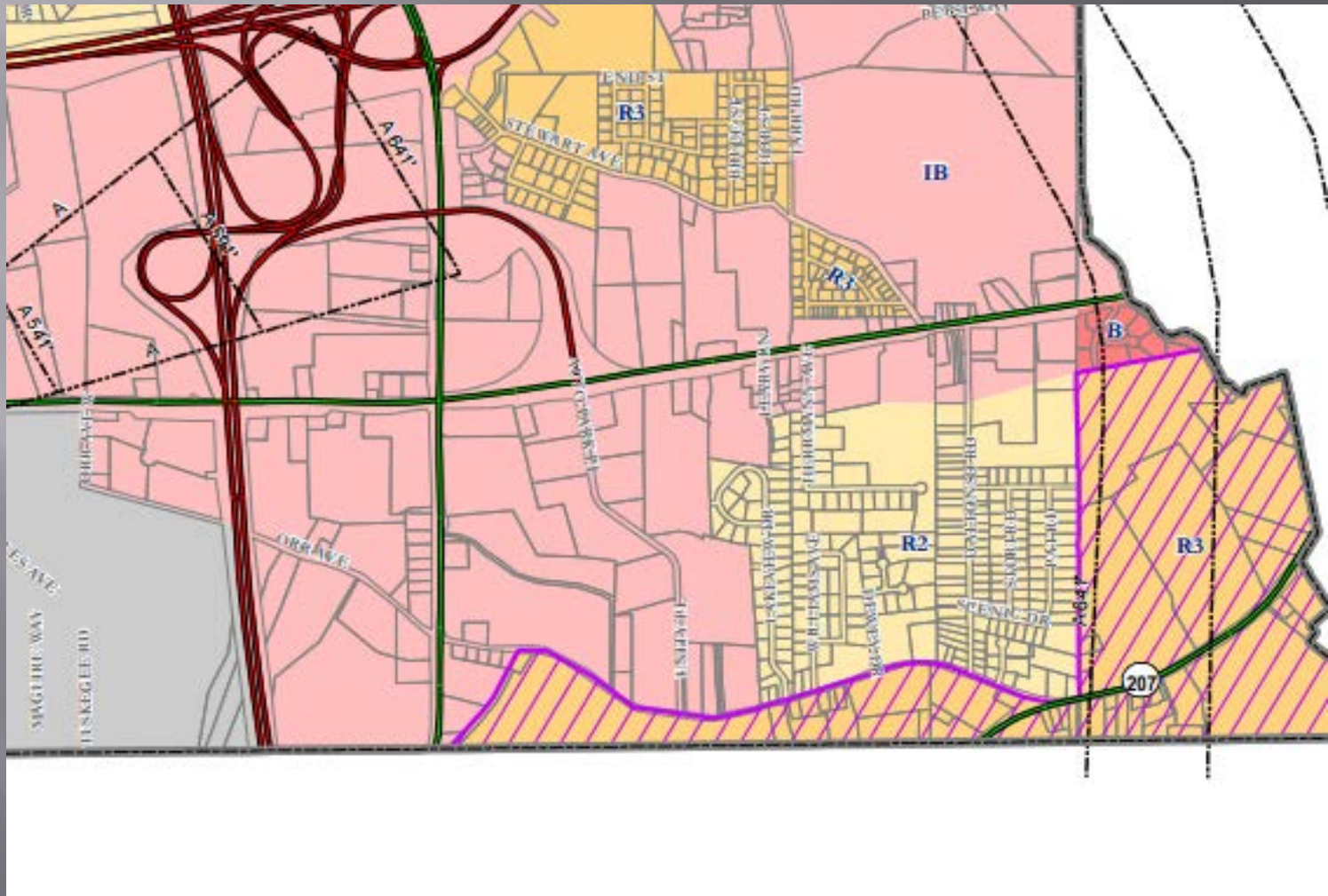
- 2010 MS4 Permit required action
- 18 municipalities plus Putnam County affected
- EOH Coalition led to forming EOHWC
- EOHWC - § 1411 Local Development Corporation
- Bubble Compliance – one for all, all for one
- Installing over 100 retrofits in first 5 years
- \$38 million in funding for first 5 years



Traditional Zoning – Town of New Windsor



Traditional Zoning – Town of Newburgh



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