

# Environmental Conservation

## ARTICLE 15 WATER RESOURCES

### TITLE 8 REGULATION OF RESERVOIR RELEASES

- Section 15-0801. Statement of legislative findings and policy.
- 15-0803. Inventory of reservoirs.
- 15-0805. Regulation of reservoir releases.
- 15-0807. Public notice and hearing procedures.

#### § 15-0801. Statement of legislative findings and policy.

1. In addition to the statements of policy and legislative findings as herein otherwise provided in this article, the legislature hereby finds that the volume and abrupt changes in the volume of releases of water from impounding reservoirs of water having a capacity of more than one billion gallons and located in the counties of Delaware, Greene, Putnam, Schoharie, Sullivan, Ulster and Westchester have damaged the recreational uses, such as trout fishing and canoeing, of waters affected by such releases, that such waters are a recreational resource for residents from all parts of the state of New York and elsewhere, that such recreational resource benefits the economy and welfare of this state and that the volume and rate of change of volume of such releases can be regulated to protect and enhance the recreational use of waters affected by such releases while ensuring and without impairing an adequate supply of water for power production or for any municipality which uses water from such reservoirs for drinking and other purposes.

2. It is hereby declared to be the policy of this state that the volume and rate of change of volume of releases of water from such reservoirs should be regulated to protect and enhance the recreational use of waters affected by such releases while ensuring and without impairing an adequate supply of water for power production or for any municipality which uses water from such reservoirs for drinking and other purposes.

#### § 15-0803. Inventory of reservoirs.

The commissioner shall, on or before the first day of January, nineteen hundred seventy-seven file with the secretary of state an inventory of impounding reservoirs of waters having a capacity of more than one billion gallons and located in the counties of Delaware, Greene, Putnam, Schoharie, Sullivan, Ulster and Westchester.

#### § 15-0805. Regulation of reservoir releases.

1. The commissioner is authorized and directed to promulgate rules and regulations as expeditiously as possible but in no event later than the first day of April, nineteen hundred seventy-seven for releases from Schoharie reservoir through the Shandaken tunnel and for releases from Neversink, Pepacton and Cannonsville reservoirs, nor later than the first day of October, nineteen hundred seventy-eight for releases from

the remaining impounding reservoirs, to carry out the policy set out in this title consistent with the findings and policies set out in this article.

2. Without limiting the foregoing, such rules and regulations may include provisions respecting the volume, timing and rate of change in volume of releases of water, monitoring, maintenance of records, inspection of records and premises, reporting and investigations by representatives of the department, may vary from time to time, on a seasonal basis and from reservoir to reservoir and shall include provisions to insure that an adequate supply of water for power production and for any municipality which uses water from such reservoir for drinking and other purposes will not be impaired, to provide for the public health and safety in the event of drought or other emergency conditions and shall be promulgated only after affected municipalities are provided an opportunity for consultation.

§ 15-0807. Public notice and hearing procedures.

The promulgation of rules and regulations pursuant to this title shall be exclusively governed by the rule-making procedures of the state administrative procedure act, except that municipalities affected by the releases which are the subject of such rules and regulations shall also be provided an opportunity for consultation during the preparation of such rules and regulations.