

Environmental Conservation

ARTICLE 15 WATER RESOURCES

TITLE 13 COMPREHENSIVE PUBLIC WATER SUPPLY STUDIES AND REPORTS

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§ 15-1301. Definitions.

1. "Comprehensive study and report" shall mean a comprehensive engineering and economic feasibility study and the resultant plan for the development of projects to provide adequately for present and reasonably foreseeable area-wide public water supply system needs. The study shall be designed to develop such information as may be required by the department, including, but not limited to: technical feasibility; cost estimates for construction, property rights acquisition and contingencies and for engineering, legal and other services; proposed methods of financing; and estimates of first costs and subsequent total annual costs of construction, operation and maintenance of recommended facilities. Such study shall not provide for plans and projects for public water supply system, or portions thereof, the scope or the area of which is less than that determined by the commission as necessary for comprehensive area-wide water supply system planning. Such study shall not include the preparation of detail design and engineering drawing, specifications, and contract documents.

2. "Public water supply system" means the public treatment facilities, transmission facilities and source of supply facilities to provide water for residential, commercial, industrial and fire service needs for areas located in two or more municipalities.

3. "Municipality" means a county, city, town or village.

4. "Governing body" means: (a) in a county, the county legislative body; (b) in a city, the board of aldermen, common council, commission or other body vested by its charter or other law with jurisdiction to enact ordinances or local laws, except that in a city having a population of one million or more, if there be a board of estimate, the term "governing body" shall mean such board of estimate; (c) in a town, the town board; and (d) in a village, the board of trustees.

5. "Local agency" means the department, bureau, commission, board, division, agency, public benefit corporation, administration, or committee of municipalities, designated by the governing body of each participating municipality, or designated by the county legislative body in the case of a county acting on its own motion, to conduct and develop comprehensive studies and reports.

§ 15-1303. Powers and duties of the department.

The department shall:

1. Promulgate, and amend from time to time, such rules and regulations as the department shall deem necessary, proper or desirable to carry out the provisions and purposes of this title and to assure the appropriate coordination of water supply planning pursuant to this title with the planning, protection, conservation, development and utilization of the water resources of this state pursuant to the provisions of this chapter, the Public Health Law or any other law. Such rules and regulations shall be promulgated prior to July 1, 1964;
2. Receive applications of local agencies for state aid, pursuant to this title, in such form and containing such information as it may require;
3. Approve the area and scope of such comprehensive studies, prior to their execution, in accordance with the rules and regulations adopted by the department; and upon recommendations of the state Commissioner of Health;
4. Approve applications for state aid pursuant to this title;
5. Receive copies of final reports of local agencies; and make advisory recommendations to the state Commissioner of Health with respect thereto;
6. Performs such other and further acts as may be necessary, proper or desirable to carry out effectively the provisions of this section.

§ 15-1305. Powers and duties of the state Commissioner of Health.

The Commissioner of Health shall:

1. Review the area and scope of any comprehensive study prior to its execution and make recommendations to the Department of Environmental Conservation with respect thereto.
2. Advise legal agencies and the participating municipalities of the approval of their applications for state aid pursuant to this title;
3. Execute contracts for the services of consulting engineers necessary for such studies and reports jointly with the local agency requesting state aid therefor;
4. Approve the amount of compensation to be paid for such engineering services and the method of determining such compensation; provided, however, that such compensation shall not be computed on a per diem or percentage of estimated costs basis;
5. Receive and approve final reports of local agencies prior to final payment;
6. Approve vouchers for the payment of state aid grants pursuant to the provisions of this title;
7. Prepare and file with the Department of Environmental Conservation for its review and evaluation an annual report on the scope and results of comprehensive studies undertaken pursuant to this section;
8. Make an estimate of the annual funds necessary to carry out the provisions of this title and, with the approval of the Department of Environmental Conservation request such amount for inclusion in the executive budget;
9. Perform such other and further acts as may be necessary, proper or desirable to carry out effectively the provisions of this section.

§ 15-1307. Powers of local agencies.

A local agency may:

1. Apply to the department and contract with the state Commissioner of Health for state aid pursuant to this title on and after September 1, 1964.

2. Select the person or firm to perform necessary consulting engineering services for a comprehensive study and report and enter into contracts for such services, provided, however, that the state Commissioner of Health shall also be a party to any such contract;

3. Expend money received from the state pursuant to this title only for purposes consistent therewith.

§ 15-1309. State aid.

The state Commissioner of Health, may, in the name of the state, make or contract to make, within appropriations therefor, a state grant for payment during any of the ten successive fiscal years of the state, beginning with its fiscal year commencing April 1, 1964, to a local agency to cover the entire cost, as determined by him, of the preparation of a comprehensive study and report.

§ 15-1311. Limitations.

Nothing in title 13 of this article shall be held to repeal, limit or modify the jurisdiction, powers and duties of any state or local department, board, district, commission or authority, or any public corporation, or other agency, now or hereafter possessed, or to invalidate or modify, in whole or in part, any decision, order, license, permit, approval, or other act, issued or taken heretofore or hereafter by such department, board, district, commission, authority, or public corporation or other agency, or to nullify, abate or otherwise affect any rights acquired or action taken heretofore or hereafter pursuant to such decision, order, license, permit, approval, or other act.