

# Environmental Conservation

## ARTICLE 15 WATER RESOURCES

### TITLE 29 WATER RESOURCES MANAGEMENT STRATEGY

- Section 15-2901. Water resources planning council; organization.  
15-2903. Water resources planning council; quorum, bylaws.  
15-2905. Statewide inventory of existing significant deficiencies in water supply systems.  
15-2907. Water resources management strategy; development purpose.  
15-2909. Water resources management strategy; hearings.  
15-2911. Water resources management strategy; approval.  
15-2913. Water resources management strategy; revision.

§ 15-2901. Water resources planning council; organization.

There is hereby established within the department of environmental conservation a water resources planning council. It shall consist of fifteen members, including the commissioners of agriculture and markets, economic development, environmental conservation, health, transportation, the chair of the public service commission, president of the New York state energy research and development authority, secretary of state and seven members to be appointed by the governor including at least one member who shall have expertise in the science of water resources planning and at least one member selected from a list proposed by public interest or environmental citizens organizations. These seven members shall serve terms of four years each. Two of the members shall be appointed upon the recommendation of the majority leader of the senate and two of the members shall be appointed upon the recommendation of the speaker of the assembly. The governor shall select a chair from among the members. Meetings of the council shall be called by the chair. Members shall receive reimbursement for expenses.

§ 15-2903. Water resources planning council; quorum, bylaws.

A majority of the members of the council shall constitute a quorum for the transaction of any business or the exercise of any power of the council. The commissioners of agriculture and markets, commerce, energy, environmental conservation, health, transportation, the chairman of the public service commission and secretary of state may, by official authority filed in their respective agencies, and with the water resources planning council, designate a deputy or other officer to exercise his powers and perform his duties, including the right to vote, on the council. The council may also establish for itself bylaws for the conduct of its affairs.

§ 15-2905. Statewide inventory of existing significant deficiencies in water supply systems.

The commissioner, in consultation with the commissioner of health and

utilizing information requested from the responsible local officials as well as relevant information developed through titles eleven and thirteen of this article, shall cause to be prepared an inventory of existing significant deficiencies in water supply availability throughout the state, including specific needs for improvement, rehabilitation and establishment of water supply, distribution and transmission facilities. Such inventory shall also identify those water supply systems affected or threatened by intrusions of hazardous materials or wastes and the nature of remediation required. Such inventory shall be completed and transmitted to the governor, legislature and the council by July first, nineteen hundred eighty-five.

The commissioner in consultation with the secretary of state, shall also cause to be prepared a review and summary of existing statutory and constitutional provisions relating to the provision and financing of water supply facilities by local governments, including such provision and financing through inter-local cooperation. Such review and summary shall also identify any existing statutory and constitutional constraints against the effective and efficient provision of sound financing, on a revenue or general obligation basis, of such facilities. Such review and summary shall be completed and transmitted to the governor, legislature and the council by January first, nineteen hundred eighty-six. At such time and based upon the above inventory and review and summary, the commissioner shall also cause to be prepared a compilation of those instances in which correction of existing significant deficiencies appears to be beyond the reasonable financial capabilities of the affected communities.

§ 15-2907. Water resources management strategy; development purpose.

Not later than January first, nineteen hundred eighty-seven, the department of environmental conservation, with the participation of the department of health and whenever possible, regional planning and development boards, shall develop and submit a complete statewide water resources management strategy to the water resources planning council for its review and adoption. This strategy shall be composed of substate water resources management strategies which recognize the natural boundaries of the water resource basins, watersheds, and aquifers and existing significant deficiencies of water supply, and which organize these in the most practical and manageable manner. Each substate management strategy shall analyze the present and future demographic, natural resource, economic development, water quality, and conservation requirements of public and private water systems and develop regional management strategies to meet the water resources requirements of residential, agricultural, industrial and commercial users as well as assure the highest possible quality and quantity of these resources.

Strategies shall analyze the efficiency and capacity of existing water supply sources and facilities and shall contain recommendations for appropriate modifications, restoration, and expansion or development of new sources or facilities. Such strategies shall also include evaluations and recommendations as to the feasibility of including hydroelectric energy generation facilities as part of the modifications, restoration, and expansion or development of new or existing resources or facilities. The strategy shall also contain recommendations regarding implementation of these strategies by the department of health, the department of environmental conservation, other appropriate state agencies, local governments and special districts. In addition, the

departments shall submit to the council substate water resources management strategies as soon as such strategies are developed. The departments shall also report regularly to the council on the development of the strategies and receive the council's recommendations and directions. Such substate strategies shall also be available for public inspection as soon as such strategies are developed.

§ 15-2909. Water resources management strategy; hearings.

Upon receipt of the statewide water resources management strategy from the department of environmental conservation, the council shall promptly publish once a week for three consecutive weeks in newspapers of general circulation notice of public hearings thereon. Public hearings shall be conducted in each of the substate areas represented in the statewide strategy, and shall be in accordance with regulations adopted by the department, subject to modification by the council. Such regulations shall, at a minimum, require a hearing on the record with sworn witnesses and shall afford interested parties a reasonable opportunity to sponsor witnesses and to question witnesses sponsored by others, including department staff, consistent with the need to conclude the hearings expeditiously so that a state water resources management strategy can be adopted in a timely manner. The hearings shall not be considered part of an adjudicatory proceeding, as defined in subdivision three of section one hundred two of the state administrative procedure act, or as part of a rule-making proceeding held under subdivision one of section two hundred two of such act.

§ 15-2911. Water resources management strategy; approval.

The water resources planning council shall, as expeditiously as practicable following the conclusion of its hearings, but in no case later than January first, nineteen hundred eighty-eight, determine, based on the record, whether the statewide water resources management strategy should be approved with modifications or disapproved, and shall state in writing the reasons for its determination. If the council has determined approval of the strategy, it shall be adopted by the departments of health and environmental conservation and other appropriate state agencies in the form determined by the council. If the council has determined disapproval of the strategy, the department of environmental conservation, in conjunction with the department of health, shall modify the strategy in accordance with the determination issued by the council and resubmit the strategy to the council for its action.

§ 15-2913. Water resources management strategy; revision.

From time to time and at least once every two years, the department of environmental conservation, with the participation of the department of health and whenever possible, regional planning and development boards, shall review the strategy and shall either (a) prepare any amendments necessary to update the strategy, or (b) issue a determination that no amendments are necessary and the reasons supporting the determination. Any interested person may seek such a review upon written application to the department of environmental conservation for an amendment to the statewide water resources management strategy. Any statement issued by the departments that no amendments are necessary shall be submitted to

the council for approval, modification or disapproval. Amendments shall be adopted in the same manner as the strategy itself.