

January 7, 2010

**Great Lakes-St. Lawrence River Water Resources Regional Body  
Great Lakes-St. Lawrence River Basin Water Resources Council  
JOINT DECLARATION OF FINDING**

Water Management Program Review  
Water Conservation and Efficiency Program Review  
State of New York

**PURPOSE**

Pursuant to Section 3.4 of the Great Lakes-St. Lawrence River Basin Water Resources Compact (“Compact”), each Party State must submit a report to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) and the Great Lakes—St. Lawrence River Basin Water Resources Council (Compact Council) on actions taken by that State to meet the provisions of the Agreement and Compact. Following the review of such reports, the Compact Council, in cooperation with the Provinces, shall determine if that State’s program meets or exceeds the provisions of the Compact; does not meet the provisions of the Compact; or, would meet the provisions of the Compact if certain modifications were made and what options may exist to assist the jurisdiction in meeting the provisions of the Compact.

Pursuant to Article 300 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (“Agreement”), each Party State and Province must submit a report to the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) on actions taken by the State or Province on actions taken by that State or Province to meet the provisions of the Agreement. Following the review of such reports, the Regional Body shall determine if that State or Province’s program meets or exceeds the provisions of the Agreement; does not meet the provisions of the Agreement; or, would meet the provisions of the Agreement if certain modifications were made and what options may exist to assist the jurisdiction in meeting the provisions of the Agreement. However, and as noted below, Article 300 of the Agreement has not come into force as of this date, so all such submissions to date and subsequent Declarations of Findings issued pursuant to this Article are recognized as voluntary, and shall not be implied to indicate that Article 300 of the Agreement has come into force.

**STIPULATIONS**

***Entry into Force of the Agreement and Compact***

1. The Agreement was signed by the Great Lakes Governors and Premiers on December 13, 2005. Pursuant to Article 709 of the Agreement, the terms of the Agreement do not come into force unless and until all Parties to the Agreement notify all other Parties that measures have been enacted into law, except for the following terms that came into force on December 13, 2005:
  - a. Preamble
  - b. Chapter 1
  - c. Article 202
  - d. Article 208

January 7, 2010

- e. Article 302
- f. Article 303
- g. Article 304
- h. Chapter 4
- i. Chapter 6
- j. Chapter 7

To date, no such notification has been given, and the remaining terms of the Agreement have not come into force, except as described in Regional Body Resolution #8 (Attachment "A").

2. The effective date of the Compact is December 8, 2008. Therefore, pursuant to NY State Environmental Conservation Law Section 21 Title 10, the Compact and all terms contained therein became enforceable State law in the State of New York on **December 8, 2008**.

***Relevant Actions Taken by the Regional Body and Compact Council***

1. Pursuant to Article 304, Paragraph 1 of the Agreement, the Regional Body must identify Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency programs by **December 13, 2007**. The Regional Body adopted Basin-wide Water conservation and efficiency objectives in fulfillment of this provision on **December 13, 2007**.
2. Pursuant to Section 4.2. of the Compact, the Compact Council must adopt Basin-wide conservation and efficiency objectives. The Compact Council adopted Basin-wide conservation and efficiency objectives on **December 8, 2008**.

***Provisions of the Agreement or Compact that must be met by the State of New York to date***

1. Pursuant to Section 4.12.2 of the Compact, the Baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal was set as of **December 8, 2008**. The corresponding provision in the Agreement (Article 207, Paragraph 1) has not yet come into force.
2. Pursuant to Section 4.8 of the Compact, all New or Increased Diversions are prohibited, with exceptions as described in Section 4.9, and exemptions as described in Section 4.13, as of **December 8, 2008**. The corresponding provisions of the Agreement (Article 200, Article 201, and Article 208) have not yet come into force.
3. Pursuant to Section 4.12.2. of the Compact, each State must submit a list of Baseline Diversions, Consumptive Uses and Withdrawals to the Regional Body and Compact Council by **December 8, 2009**. The corresponding provision of the Agreement (Article 207, Paragraph 1) has not yet come into force.
4. Pursuant to Section 3.4.1 of the Compact, each State must submit a report to the Regional Body and the Compact Council detailing its Water management and conservation and efficiency programs pursuant to the Compact by **December 8, 2009**.

January 7, 2010

The corresponding provision of the Agreement (Article 300) has not yet come into force.

***Provisions of the Agreement and Compact that must be met by the State of New York by a future date***

5. Pursuant to Section 4.2.2 of the Compact, consistent with the Basin-wide goals and objectives adopted by the Regional Body and the Compact Council, each State must establish Water conservation and efficiency goals and objectives by **December 8, 2010**. The corresponding provision of the Agreement (Article 304, Paragraph 2) will come into force at a date currently uncertain.
6. Pursuant to Sections 4.2.2, 4.2.4 and 4.2.5 of the Compact, each State must establish a Water Conservation and Efficiency program for all water users that is consistent with the Basin-wide goals and objectives as well as State goals and objectives by **December 8, 2010**. The corresponding provision of the Agreement (Article 304, Paragraphs 2, 4 and 5) will come into force at a date currently uncertain.
7. Pursuant to Section 4.1 of the Compact, each State must develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the State, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses **by December 8, 2013**. The corresponding provision of the Agreement (Article 301) will come into force at a date currently uncertain.
8. Pursuant to Section 4.10.1 of the Compact, each State must create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing measures consistent with the decision-making standard of the Compact (see Section 4.11) **by December 8, 2013**. The corresponding provision of the Agreement (Article 206, Paragraph 1) will come into force at a date currently uncertain.
9. Pursuant to Section 4.10.2 of the Compact, each State must set threshold levels that comply with Section 4.10.1 of the Compact **by December 8, 2018**. Any State that fails to do so shall apply a threshold for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90 day period. The corresponding provision of the Agreement (Article 206, Paragraph 2) will come into force at a date currently uncertain.

***FINDING ON STATE OF NEW YORK'S WATER MANAGEMENT AND CONSERVATION AND EFFICIENCY PROGRAMS***

The Regional Body and the Compact Council have received the State of New York's report on its Water management and conservation and efficiency programs, which are

January 7, 2010

attached hereto as Attachments “B” and “C”, respectively. Upon review of said submissions, the terms of the Agreement and Compact, as well as other actions taken by the State of New York as described above, the Regional Body and Compact Council find the following:

***Provisions of the Agreement or Compact that must be met by the State of New York to date***

1. Because the Compact is law in the State of New York, pursuant to section 4.12.2 of the Compact the Baselines for determining a New or Increased Diversion, Consumptive Use or Withdrawal in the State of New York was set on **December 8, 2008**.
2. Pursuant to Sections 4.8 and 4.9 of the Compact, the prohibition on Diversions and corresponding exceptions to such prohibition came into effect in the State of New York on **December 8, 2008**.
3. Pursuant to Section 4.12.2 of the Compact, the State of New York submitted its list<sup>1</sup> of Diversions, Consumptive Uses and Withdrawals that existed as of December 8, 2008, to the Regional Body **by December 8, 2009**.
4. Pursuant to Section 3.4.1 of the Compact, the State of New York submitted a report on its water management and conservation and efficiency programs, which are attached hereto as Attachments “B” and “C”, respectively, to the Regional Body and Compact Council **by December 8, 2009**.

***Provisions of the Agreement and Compact that must be met by the State of New York by a future date***

5. The Regional Body and the Compact Council find that neither the Compact nor the Agreement requires the adoption or implementation of water conservation and efficiency goals and objectives at this time.
6. The Regional Body and the Compact Council find that neither the Compact nor the Agreement requires adoption or implementation of a water conservation and efficiency program at this time.
7. The Regional Body and the Compact Council find that neither the Compact nor the Agreement requires the adoption or implementation of a water resources inventory program at this time.
8. The Regional Body and the Compact Council find that neither the Compact nor the Agreement requires the adoption or implementation of a water management program at this time.
9. The Regional Body and the Compact Council find that neither the Compact nor the Agreement requires the adoption or implementation of a threshold for determining

---

<sup>1</sup>This list is subject to future correction or revision,

January 7, 2010

which Withdrawals of Water will be subject to management and regulation pursuant to the Compact and Agreement at this time.

THEREFORE, the Regional Body and the Compact Council, after reviewing the Water Management Program report from the State of New York, finds that such program meets or exceeds the current requirements of the Agreement and Compact.

FURTHERMORE, the Regional Body and the Compact Council, after reviewing the Water Conservation and Efficiency Program report submitted by the State of New York, finds that such program meets or exceeds the current requirements of the Agreement and Compact.

***Issued by the Great Lakes-St. Lawrence River Water Resources Regional Body and the Great Lakes—St. Lawrence River Basin Water Resources Council on January 7, 2010.***

# ATTACHMENT “A”

**GREAT LAKES—ST. LAWRENCE RIVER WATER RESOURCES REGIONAL  
BODY**

**RESOLUTION #8—ENTRY INTO FORCE OF CHAPTER 5 OF THE  
AGREEMENT (REGIONAL REVIEW)**

WHEREAS, on December 13, 2005, the Governors of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, the Commonwealth of Pennsylvania, and the Premiers of Ontario and Québec signed the *Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement* (“Agreement”); and,

WHEREAS, Chapter 7 of the Agreement came into force on December 13, 2005, pursuant to Article 709 paragraph 1j of the Agreement; and,

WHEREAS, pursuant to Article 709, Paragraph 2j of the Agreement, Chapter 5 of the Agreement will come into force “60 days after the last Party [State or Province] has notified the others that it has completed the Measures necessary to implement” specific provisions of the Agreement as described in Article 709, Paragraph 2 of the Agreement; and,

WHEREAS, the Parties to the Agreement have neither completed all the Measures as described in Article 709, Paragraph 2, nor have they notified the other Parties that they have completed such Measures; and,

WHEREAS, the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) became effective on December 8, 2008; and,

WHEREAS, the Compact requires Regional Review to be performed from time to time to properly implement the terms of the Compact; and,

WHEREAS, Article 705 of the Agreement states that “Each Party shall, from the date of execution of this Agreement, exercise its best efforts to refrain from taking any action that would defeat the objectives of this Agreement;” and,

WHEREAS, the inability to engage in Regional Review would hinder the ability of the States to implement the Compact, which would in turn defeat the objectives of the Agreement.

NOW THEREFORE BE IT RESOLVED that the members of the Regional Body declare that Chapter 5 of the Agreement shall come into force immediately as of December 8, 2008, with regard to any requirements for Regional Review that may arise in respect of proposals from the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin, and the Commonwealth of Pennsylvania as they implement the Compact.

BE IT FURTHER RESOLVED that in accordance with Paragraph 5 of Article 709 of the Agreement, the terms, agreements and review processes contained in the Great Lakes Charter of 1985 (Charter) shall remain in full force and effect, except for those instances where Regional Review may take place in respect of diversion proposals from the States as they implement the Compact. In such instances, Regional Review shall replace prior notice and consultation requirements and activities in the Charter. The Regional Body shall be used for all prior notice and consultation activities under the Charter where they continue to apply.

BE IT FINALLY RESOLVED that Chapter 5 of the Agreement shall come into force with regard to any requirements for Regional Review that may arise in respect of proposals from the Provinces of Ontario and Quebec once each province has notified the other Parties that they have completed the measures needed to implement the prohibition of diversions and the management and regulation of exceptions. Once notice has been provided, Regional Review shall replace prior notice and consultation requirements under the Charter for diversion proposals in that Province.

***Adopted by the Great Lakes-St. Lawrence River Water Resources Regional Body on  
December 8, 2008.***



# ATTACHMENT “B”

# New York State Department of Environmental Conservation

Assistant Commissioner

Office of Water Resources, 14<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-1010

Phone: (518) 402-2794 • Fax: (518) 402-8541

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

December 8, 2009

Mr. David Naftzger  
Executive Director, Great Lakes-St. Lawrence River Basin Water Resources Council  
Secretary, Great Lakes-St. Lawrence River Water Resources Regional Body  
c/o Council of Great Lakes Governors  
35 East Wacker Drive, Suite 1850  
Chicago, Illinois 60601

Subject: Water Management Program Report and Water Conservation and Efficiency Program  
Report Submitted on behalf of New York State

Dear Mr. Naftzger:

On behalf of the State of New York State, the Department of Environmental Conservation has electronically submitted to you a Water Management Program Report and a Water Conservation and Efficiency Program Report, pursuant to and in satisfaction of the obligations included in Section 3.4 of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

If you have any questions, please do not hesitate to contact me.

Sincerely,

James M. Tierney  
Assistant Commissioner, Office of Water Resources  
New York Department of Environmental Conservation  
Alternate of Governor Paterson, Member, Great Lakes-St. Lawrence River Basin Water  
Resources Compact Council

cc: Peter Johnson, Program Director, Council of Great Lakes Governors  
Jennifer Kozlowski, Special Assistant for the Environment, Office of the Governor of  
New York State  
Mark Klotz, NYSDEC, Director, Division of Water  
Don Zelazny, NYSDEC, Great Lakes Programs Coordinator  
Mike Holt, NYSDEC, Chief, Water Supply Permits Bureau

Water Management Program Review  
*New York State*

The following information shall be included in the reports submitted by the States and Provinces to the Regional Body and Compact Council pursuant to the requirements in the Agreement Article 300 and the Compact Section 3.4.

1. Lead agency/agencies and contact person(s).

*NYSDEC Division of Water – Bureau of Water Resources Management  
Michael Holt P.E. – Chief of Water Quantity Management Section – (518) 402-8099  
Richard Kruzansky – (518) 402-8182*

2. Citations to State/Provincial Water management program implementing laws, regulations and policies.

*NYS Environmental Conservation Law (ECL) and NY Codes Rules and Regulations  
ECL 15-1501: Water Supply Permitting – NYCRR Part 601  
ECL 15-1605: Registration of Water Withdrawals – NYCRR Part 675  
ECL 21-1001: The Great Lakes - St. Lawrence River Basin Water Resources Compact*

3. Summary description of the State's or Province's Water management program scope & thresholds, including the current status of program implementation and a description of which New or Increased Withdrawals, Consumptive Uses and Diversions will be subject to the program. The summary should include information on registration (if applicable), management and regulation, and reporting elements of the program.

Describe specifically how Water Withdrawals in the State or Province are managed by:

- a. Sector (public water supply, self-supply commercial and institutional, self-supply irrigation, self-supply livestock, self-supply industrial, self supply thermoelectric power production (once-through cooling), self-supply thermoelectric power production (recirculated cooling), off-stream hydroelectric power production, in-stream hydroelectric power production (voluntary), and other self-supply;

*All community public water supplies in NYS are required to have a public water supply permit. All non-potable water supplies within the great lakes basin that withdraw more than 100,000 gallons per day (gpd) must register that withdrawal and report water use annually. All registered water withdrawals are sorted by water use sector.*

- b. Water source (groundwater, surface water (Great Lakes-St. Lawrence River), surface water other than Great Lakes-St. Lawrence River);

*All water supply permits and registrants must specify their sources of supply. These withdrawals are sorted by the three above referenced categories.*

- c. Quantity (regulatory thresholds, volumes, rates, and reporting requirements);

*Each water supply permit specifies a withdrawal limit. All water suppliers with the capacity to withdrawal greater than 100,000 gpd must report this information on an annual basis. All registrants must also report water usage on an annual basis.*

- d. Location (Statewide/Province-wide or Great Lakes-St. Lawrence River Basin); and,

*All water supply permits and registrants must specify the location of their sources of supply. These withdrawal locations can be sorted by Great Lakes sub-basins.*

- e. Any specific exemptions as allowed in the Agreement and the Compact.

*Not Applicable*

Note: Address all sectors and sources in your descriptions even if one or more sector or source is not currently managed by your State or Province.

- 4. Description of how the provisions of the Standard of Review and Decision are applied. The description should include information on how each criterion of the Decision Making Standard and Exception Standard is addressed.

- a. Decision Making Standard for Withdrawals, Consumptive Uses.

*Public water supply applications for new or increased withdrawals must adequately demonstrate:*

1. *the need for the water,*
2. *the availability of the water through pump tests and hydrologic analyses,*
3. *that the withdrawal will not adversely impact other public or private potable water supplies,*
4. *that the withdrawal will not cause any adverse environmental impacts,*
5. *that all reasonable alternatives have been evaluated,*
6. *and that adequate water conservation measures are taken to minimize water use and losses.*

*It is the intent of the Department to expand these requirements to all great lakes basin water withdrawals greater than 100,000 gpd within five years of the effective date of the Compact.*

- b. Exception Standard for Diversions.

*The Department will adhere to the Compact's prohibition of interbasin diversions for all but limited exceptions for public water supply purposes. In the event of a proposed diversion within NYS, the exception standards will be followed.*

- 5. Overview of State/Provincial reporting and database of Withdrawals, Consumptive Uses and Diversions including implementation status and database elements and capabilities, and

reporting mechanisms (e.g. electronic submission, etc.). The overview should include methods of measurement (e.g. flow volume or rate meters, flow gauging, timing devices, etc.) approved by the State/Province for measuring Water volumes.

*Registrants submit monthly water withdrawal data on an annual basis. This reporting includes data on consumptive usage and any existing water diversions into or out of the great lakes basin. Water supply permittees with a capacity to withdrawal greater than 100,000 gpd will be required to submit similar annual reports as February 1, 2010. The reports must indicate the methods used to measure withdrawals such as: metered readings; flow through a weir or flume; flow through a pump or pump run time; estimation.*

6. Attach a copy of the State or Province's Withdrawal application form(s). Copies of related regulations, policies, and manuals with the application for may be included to provide a more complete program description.

#### *Copies Attached*

7. Summary description of the State's or Province's initiatives to support an improved scientific understanding of the Waters of the Basin and an improved understanding of the groundwater of the Basin and the role of groundwater in Basin water resource management. A description of State or Provincial initiatives or mechanisms to support an improved understanding of individual or cumulative impacts of Withdrawals, Consumptive Uses and Diversions on the Basin ecosystem should also be provided.

*All water supply permit applications for new or increased groundwater withdrawals must submit the results of a pumping test: <http://www.dec.ny.gov/lands/5003.html>. All water supply applications for new or increased surface withdrawals must submit hydrological data to confirm dependable water supply yields while adequately protecting water levels and in-stream flows for habitat.*

8. Additional information.



### Facility Information

**Return Completed Form, Check or Money Order to:**

 New York State Department of Environmental Conservation  
 625 Broadway, Albany, New York 12233-3505

Telephone (518) 402-8099

|   |  |  |                             |  |             |
|---|--|--|-----------------------------|--|-------------|
| TRANSACTION TYPE  |  | AMOUNT ENCLOSED                        |                             | FEDERAL FARM ID NUMBER (If applicable) |             |
| NAME OF OWNER   |  |  | TITLE                       |  |             |
| OWNER COMPANY   |  |  |                             | TELEPHONE NUMBER<br>(     )            |             |
| OWNER ADDRESS (Line 1)  |  |  |                             |  |             |
| OWNER ADDRESS (Line 2)  |  |  |                             |  |             |
| CITY, TOWN OR VILLAGE   |  |  |                             | STATE                                  | ZIP CODE +4 |
| FACILITY NAME   |  |  |                             | TAX PARCEL ID                          |             |
| FACILITY MAILING ADDRESS (Line 1)   |  |  |                             |  |             |
| FACILITY MAILING ADDRESS (Line 2)   |  |  |                             |  |             |
| CITY, TOWN OR VILLAGE   |  |  |                             | STATE                                  | ZIP CODE +4 |
| NAME OF TECHNICAL CONTACT   |  |  | TELEPHONE NUMBER<br>(     ) |  |             |
| COUNTY  |  | TOWN OR COUNTY                         |                             |  |             |
| PERMIT NUMBER: SPDES (If applicable)  |  | PETROLEUM BULK STORAGE (If applicable) |                             | CHEMICAL BULK STORAGE (If applicable)  |             |
| IF FACILITY IS NOT 100% SUPPLIED, LIST NAME(S) AND ADDRESS(ES) OF OTHER SUPPLIER(S)   |  |  |                             |  |             |
| I hereby affirm under of penalty or perjury that the information provided on this form and any attached supplemental information is true to the best of my knowledge and belief. False statements are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law |  |  |                             |  |             |
| PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE   |  |  |                             | TELEPHONE NUMBER<br>(     )            |             |
| SIGNATURE OF AUTHORIZED REPRESENTATIVE  |  |  |                             | DATE                                   |             |
| <b>OFFICIAL USE ONLY</b>  |  |  |                             |  |             |
| REGISTRATION ID   |  | AMOUNT RECEIVED                        |                             | DATE RECEIVED                          |             |
| DATE PROCESSED  |  | STATUS                                 |                             | EXPIRATION DATE                        |             |
| COMMENTS  |  |  |                             | PROCESSED BY:                          |             |

## INSTRUCTIONS

**Transaction Type Enter one of the following codes:**

- E) Existing Water Withdrawal Site Registration (Fee Required).
- N) New Water Withdrawal Site (Fee Required).
- R) Renewal (Fee Required).
- M) Modification of a currently registered site or withdrawal point (No Fee Required).
- C) Corrections of a currently registered site or withdrawal point (No Fee Required).
- D) Delete registration (No Fee Required).

**Amount Enclosed:**

Enclose \$100 for optional yearly registration (Agricultural Sites only) or \$200 for two year business registration.

**Federal Farm ID Number:**

Federal identification number assigned to the farm for agricultural reporting purposes.

**Agricultural Irrigators:**

Use Great Lakes Water Withdrawal Registration Handbook) Agricultural Irrigators (green booklet).

**Owner Information:**

Information about the person who has legal or equitable title to the property from which the water withdrawal is made.

**Facility Information:**

Information about the land on which an owner has located one or more water withdrawal points.

**Tax Parcel ID:**

The number assigned by the county to identify the parcel of land on which the facility is located. If you do not know your Tax Map Identification Number, please contact your local tax assessor's office or the local receiver of taxes (usually located in the town hall).

**Name of Technical Contact:**

Name of person to be contacted for questions about registration information.

**If facility is NOT 100% . . .:**

Name and address of other supplier.



|   |
|---|
| <b>FOR DEPARTMENT USE ONLY</b>              |
| -----<br><b>APPLICATION NUMBER</b><br>----- |
| -----<br><b>WSA NUMBER</b><br>-----         |

## WATER SUPPLY APPLICATION

### Supplement W-1 for Public Water Supply Permit

**READ THE INSTRUCTIONS ON PAGE 2 BEFORE COMPLETING THIS FORM**

PLEASE TYPE OR PRINT CLEARLY IN INK

|  |   |
|--|---|
| 1. PROJECT DESCRIPTION (INCLUDE LOCATION - for multiple well heads, identify and attach additional coordinates)  | COORDINATES   |
| 2. PROJECT PURPOSE   |   |
| 3. THIS PROJECT INVOLVES: (Check all that apply and, for each item checked, provide a brief description or identification)   |   |
| ACQUISITION of existing facilities _____   |   |
| INSTALLATION of new facilities _____   |   |
| CHANGES in capacities of existing facilities _____   |   |
| ABANDONMENT of existing facilities _____   |   |
| 4. This project will involve the taking of up to _____ gallons of water (per minute) (per day) from _____ (Name of source)   |   |
| Figure given represents _____ increase in taking, _____ total taking.  |   |
| 5. If certain exhibits are omitted or reduced in scope because of reference to documents submitted with prior applications, list the exhibits so affected, identify the prior application (by Water Supply Application Number and name of applicant) and specify the document(s) to be referenced.                                 |   |
| EXHIBIT  | WSA NO.      APPLICANT'S NAME      REFERENCED DOCUMENT(S) |
| 6. PROJECT AUTHORIZATION   |   |
| This application must be accompanied by proof of adequate authorization for the proposed project. List below all exhibits documenting such authorization, such as resolutions, certificates of incorporation, contracts, referendum results, etc. (See <i>Public Water Supply Program, Applicant's Guide</i> for further details.) |   |
| 7. PROJECT JUSTIFICATION   |   |
| By the act of signing this application, the applicant certifies that each of the following statutory conditions is or will be satisfied, AND that a proper justification for each is given in the specified exhibits attached to this application:   |   |
| A. The proposed project is justified by the public necessity . . . . .   | See Exhibit(s) _____                                      |
| B. The proposed project takes proper consideration of other sources of supply that are or may become available. . . . .  | See Exhibit(s) _____                                      |
| C. All work and construction connected with the proposed project will be proper and safe . . . . .   | See Exhibit(s) _____                                      |
| D. The supply will be adequate . . . . .   | See Exhibit(s) _____                                      |
| E. There will be proper protection of the supply and watershed or proper treatment of any additional supply. . . . .   | See Exhibit(s) _____                                      |
| F. The proposed project is just and equitable to all affected municipalities and their inhabitants and in particular with regard to their present and future needs for sources of water supply . . . . .   | See Exhibit(s) _____                                      |
| G. There is provision for fair and equitable determinations of and payments of any direct and indirect legal damages to persons or property that will result from the acquisition of any lands in connection with the proposed project or from the execution of the proposed project . . . . .                                     | See Exhibit(s) _____                                      |
| H. The applicant has developed and implemented a water conservation program in accordance with local water resource needs and conditions . . . . .   | See Exhibit(s) _____                                      |
| 8. SEQR STATUS   |   |
| 9. SIGNATURE   | 10. DATE  |



## INSTRUCTIONS

1. **Before** completing this form, review carefully the *Public Water Supply Program Applicants' Guide*. If more room is needed to complete any item, an additional sheet may be used.
2. **Four (4) copies** of this form (*WATER SUPPLY APPLICATION: Supplement W-1 for Public Water Supply Permit*) **and** four (4) copies of Form 95-19-3 (*JOINT APPLICATION FOR PERMIT*) must be completed, signed, and submitted with all Water Supply Applications.
3. Applications must be in the name of the owner (or, in the case of acquisitions, the prospective owner) of the water supply system involved; except that applications from town or county water districts (or equivalents) should show the name of the **district** as the applicant. (See the detailed instructions for completing Supplement W-1 in the *Applicants' Guide*.)
4. For applications submitted by counties, cities, towns, and villages, forms must be signed by the Chief Executive Officer thereof or by a specifically authorized deputy.
5. All Water Supply Applications must include a completed *Water Conservation Program Form* demonstrating that the applicant has developed and implemented a **water conservation program** in accordance with local water resource needs and conditions.
6. Locate and describe all facilities and service areas on appropriate maps and plans. **If your application involves groundwater wellhead(s) and/or surface water intake(s), record the coordinates in Item No.1 of this form.** Include coordinates for as many wellheads or intakes as will exist. Location coordinates are expressed in New York Transverse Mercator units, or NYTMs (UTM Zone 18 expanded to encompass the entire state). These are based on the North American Datum 1983. If you are unable to supply accurate coordinates, attach a separate location map with this application. Choose a scale for this location map that allows you to accurately define the wellhead or intake position, and permits you to identify the overall project area within the county or township.
7. All facts and opinions expressed in the application must be documented in appropriate legal, engineering, or other papers attached as **exhibits**.
8. In a separate **transmittal letter**, the following information must be provided:
  - a) Name and location of a suitable place in which to hold a public hearing should one prove necessary.
  - b) Names, titles, mailing addresses, and phone numbers of other concerned officials, including at least:
    1. Applicant's attorney;
    2. Applicant's engineer;
    3. Other consultants (planners, geologists, etc.) serving the applicant;
    4. For non-municipal projects, the Chief Executive Officer of the municipality in which the project is located; and
    5. For projects taking a supply of water from another water system, an appropriate contact official for that system.
  - c) A list of all maps and exhibits accompanying the application
9. **Copies** of the required water conservation program (See No. 5), maps (See No. 6), exhibits (See No. 7), and transmittal letter (See No. 8) shall be submitted as follows:
  - a) Municipal applicants -- 3 copies
  - b) Non-municipal applicants -- 4 copies
  - c) EXCEPTION: Municipality applying to acquire existing non-municipal system -- 4 copies.

# ATTACHMENT “C”

# New York State Department of Environmental Conservation

Assistant Commissioner

Office of Water Resources, 14<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-1010

Phone: (518) 402-2794 • Fax: (518) 402-8541

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

December 8, 2009

Mr. David Naftzger  
Executive Director, Great Lakes-St. Lawrence River Basin Water Resources Council  
Secretary, Great Lakes-St. Lawrence River Water Resources Regional Body  
c/o Council of Great Lakes Governors  
35 East Wacker Drive, Suite 1850  
Chicago, Illinois 60601

Subject: Water Management Program Report and Water Conservation and Efficiency Program  
Report Submitted on behalf of New York State

Dear Mr. Naftzger:

On behalf of the State of New York State, the Department of Environmental Conservation has electronically submitted to you a Water Management Program Report and a Water Conservation and Efficiency Program Report, pursuant to and in satisfaction of the obligations included in Section 3.4 of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

If you have any questions, please do not hesitate to contact me.

Sincerely,

James M. Tierney  
Assistant Commissioner, Office of Water Resources  
New York Department of Environmental Conservation  
Alternate of Governor Paterson, Member, Great Lakes-St. Lawrence River Basin Water  
Resources Compact Council

cc: Peter Johnson, Program Director, Council of Great Lakes Governors  
Jennifer Kozlowski, Special Assistant for the Environment, Office of the Governor of  
New York State  
Mark Klotz, NYSDEC, Director, Division of Water  
Don Zelazny, NYSDEC, Great Lakes Programs Coordinator  
Mike Holt, NYSDEC, Chief, Water Supply Permits Bureau

Water Conservation and Efficiency Program Review  
*New York State*

The following information shall be included in the Water Conservation and Efficiency Program reports submitted by the States and Provinces to the Regional Body and Compact Council pursuant to the requirements in the Agreement Article 300 and the Compact Section 3.4.1.

1. Lead agency/agencies and contact person(s):

*NYSDEC Division of Water – Bureau of Water Resources Management  
Michael Holt P.E. – Chief of Water Quantity Management Section – (518) 402-8099  
Richard Kruzansky – (518) 402- 8182*

2. Status of the State or Province’s Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives. If developed, include State or Provincial goals and objectives or link to electronic version.

*NYSDEC’s Division of Water currently regulates all significant water withdrawals for public water supply purposes within the great lakes basin. Each new application for a permit requires the submittal of a water conservation plan. The main components of these plans are 1) customer and source metering, 2) water auditing, 3) leak detection and repair and 4) outdoor water use management. The Division is currently working on expanding its water conservation requirements to significant non-potable water withdrawals and intends to complete its basin-wide goals and objectives by 12/8/2010 (2 years from the Compact’s effective date).*

3. Water Conservation and Efficiency Program Overview.
  - a) Citations to State/Provincial Water Conservation and Efficiency Program implementing laws, regulations and policies.

*Environmental Conservation Law (ECL) 15-1503*

- b) Summary description of the State’s or Province’s Water Conservation and Efficiency Program including what elements are voluntary and mandatory.

*All new applications for public water supply permits are required to include a water conservation plan. Plans are reviewed and appropriate conditions are included in each permit.*

- c) For each of the regional objectives identify how the State/Provincial program is consistent with the regional objective. More details for each objective are available at [http://www.glslregionalbody.org/Docs/Resolutions/GLSLRWRRB\\_Resolution\\_6-Conservation-Efficiency.pdf](http://www.glslregionalbody.org/Docs/Resolutions/GLSLRWRRB_Resolution_6-Conservation-Efficiency.pdf) and can be referenced below.

OBJECTIVES

- Guide programs toward long-term sustainable water use.

*All water supply permit applications for new or increased groundwater withdrawals must submit the results of a pumping test:*

*<http://www.dec.ny.gov/lands/5003.html>. All water supply applications for new or increased surface withdrawals must submit hydrological data to confirm dependable water supply yields while adequately protecting water levels and in-stream flows for habitat.*

- Adopt and implement supply and demand management to promote efficient use and conservation of water resources.

*Water conservation plans are required to provide annual water audit data which compares produced water to metered sales.*

- Improve monitoring and standardize data reporting among State and Provincial water conservation and efficiency programs.

*All water withdrawers with the capacity to withdraw 100,000 gallons per day or greater are required to report their water use on an annual basis. Standard reporting forms, <http://www.dec.ny.gov/lands/55509.html>, for the submittal of this data have been developed.*

- Develop science, technology and research.

*The Division of Water is reviewing and considering the adoption of the American Water Works Association's (AWWA) recently developed water auditing methodology and software:*

*<http://www.awwa.org/Resources/WaterLossControl.cfm?ItemNumber=47957>*

- Develop education programs and information sharing for all water users.

*Water Conservation Manual: <http://www.dec.ny.gov/lands/39346.html>*

*Water Conservation Tips for the Public:*

*<http://www.dec.ny.gov/lands/5009.html>*

4. Description of how the State or Province promotes Environmentally Sound and Economically Feasible Water Conservation Measures.

*All new applications for public water supply permits are required to include a water conservation plan. Plans are reviewed and appropriate conditions are included in each permit.*

5. Description of the State or Provincial Water conservation and efficiency program implementation timeline and status.

*The existing plan has been in effect since 1989. The Division is currently working on expanding these water conservation requirements to significant non-potable water withdrawals and intends to complete its basin-wide goals and objectives by 12/8/2010 (2 years from the Compact's effective date).*