

**Great Lakes-St. Lawrence River Water Resources Regional Body
Great Lakes-St. Lawrence River Basin Water Resources Council**

RESOLUTION NO. 2015-5

ADOPTING JOINT DECLARATION AND FINDING

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

I. BACKGROUND AND PURPOSE

The Compact

A. The Great Lakes-St. Lawrence River Basin Water Resources Compact (“Compact”) is by, between and among the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin and the Commonwealth of Pennsylvania, and was effective on December 8, 2008.

B. Section 3.4 of the Compact requires each Party State to submit a report to the Great Lakes-St. Lawrence River Basin Water Resources Council (“Compact Council”) and the Great Lakes-St. Lawrence River Water Resources Regional Body (“Regional Body”) on actions taken by that State to meet the provisions of the Agreement and Compact regarding that Party State’s Water management and conservation and efficiency programs.

C. Following the Compact Council’s review of such reports in cooperation with the Provinces pursuant to Section 3.4 of the Compact, the Council shall determine whether that State’s programs: (1) meet or exceed the provisions of the Compact; or (2) do not meet the provisions of the Compact and, if not, what options may exist to assist the jurisdiction in meeting the provisions of the Compact.

D. Section 4.2 of the Compact requires the Compact Council to adopt Basin-wide conservation and efficiency objectives, which were adopted by the Compact Council on December 8, 2008. Section 4.2.2 of the Compact requires each Party State to develop its own water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and develop and implement a water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party State’s goals and objectives.

The Agreement

E. The Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (“Agreement”) is by, between and among the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, and Wisconsin, the Commonwealth of Pennsylvania, the Province of Ontario, and the Government of Québec, and certain provisions of the Agreement began to more fully come into force on March 8, 2015.

F. Article 300 of the Agreement requires each Party State and Province to submit a report to the Regional Body on actions taken by the State or Province to meet the provisions of the Agreement regarding that State's or Province's Water management and conservation and efficiency programs.

G. Following the Regional Body's review of such reports pursuant to Article 300 of the Agreement, the Regional Body shall determine if that State or Province's programs: (1) meet or exceed the provisions of the Agreement; (2) do not meet the provisions of the Agreement; or (3) 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 Agreement.

H. Because Article 300 of the Agreement came into force as of March 8, 2015, the first report will be due March 8, 2016 and the five-year report will be due March 8, 2021. Therefore, all such reports submitted prior to March 8, 2016, as well as the Declarations and Findings issued thereon, are recognized as voluntary, and the submission of such reports and the issuance of Declarations and Findings shall not be interpreted to indicate that Article 300 of the Agreement requires such reports at this time.

I. Article 304, Paragraph 1 of the Agreement requires the Regional Body to identify Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency programs by December 13, 2007, which were adopted by the Regional Body on December 13, 2007. Article 304, Paragraph 2 of the Agreement requires each Party State and Province to develop its own water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and develop and implement a water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party State's and Province's goals and objectives.

II. SUBMISSIONS BY STATE OF NEW YORK

A. To the Compact Council. The Compact Council has received the State of New York's report on its Water management and conservation and efficiency programs under the Compact, which is attached to this Resolution as Attachment A.

B. To the Regional Body. The Regional Body has received the State of New York's voluntary report on its Water management and conservation and efficiency programs under the Agreement, which is attached to this Resolution as Attachment A.

III. DECLARATION AND FINDINGS

Upon review of the submissions of the State of New York, the terms of the Compact and the Agreement, the Compact Council and Regional Body find as follows:

A. Based on the report submitted by the State of New York, the Water Management Program presented by the State of New York meets or exceeds the current requirements of the Compact and the Agreement.

- B. Based on the report submitted by the State of New York, the Water Conservation and Efficiency Program presented by the State of New York meets or exceeds the current requirements of the Compact and the Agreement.

*Adopted and approved on December 3, 2015 by
the Great Lakes-St. Lawrence River Water Resources Regional Body and
the Great Lakes—St. Lawrence River Basin Water Resources Council*

ATTACHMENT A

Water Management Program Review
State of New York
Five-Year Report

Enclosure (a)

Report to the Great Lakes-St. Lawrence River Basin Water Resources Council/Regional Body on the State of New York's Water Management Program

Updated March 20, 2015

I. General Information

A. Organization

Lead agency: NYS Department of Environmental Conservation
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B. Contact Information

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C. Comparing Program Authorities with Compact/Agreement Obligations

This section lists the pertinent laws, statutes, rules and/or regulations, (collectively, "Laws") that establish or implement programs meeting the requirements of the following provisions of the Compact or Agreement. Please note that the Secretariat has previously compiled (in 2012) a matrix of those Laws that are believed to be in effect for the States and Provinces.

1. Compact Section 3.4/Agreement Article 300 – Water Management Program Review

- Statute: NYS Environmental Conservation Law (ECL) §21-1001 – adopts Compact into NY state's environmental conservation law; ECL §15-1501 – incorporates Compact obligations into statewide water withdrawal permit program.
- Regulation: 6NYCRR §601.2, §601.5 – incorporates Compact definitions and annual reporting into implementing regulations.

2. Compact Section 4.1/Agreement Article 301 – Water Resources Information (Management Information, Registration & Reporting)

- Statute: ECL §21-1001; NYS ECL §15-1502.14 – establishes regulatory threshold of water for potable and non-potable withdrawals subject to permit and

registration/reporting consistent with Compact; ECL §15-1504 – establishes water withdrawal requirements for agricultural withdrawals;

- Regulation: 6NYCRR §601.2 – implements NY’s obligations under the Compact; §601.5 – details statewide requirements for permit reporting and reporting exemptions; §601.17 – describes statewide requirements for registration of agricultural withdrawals
3. Compact Sections 4.2(2), 4.2(4) and 4.2(5)/Agreement Article 304 – Water Conservation and Efficiency Programs
- Statute: ECL §21-1001; NYS ECL §15-1501.6 – mandatory reporting of water conservation measures; ECL §15-1501.8 – delineates water conservation and efficiency goals; ECL §15-1503(f) – delineates elements of mandatory water conservation program
 - Regulation: 6NYCRR §601.5(6) – reporting of consumptive use; §601.7(e) – establishes 10-year term for permits and incorporates requirement for environmentally sound and economically feasible water conservation measures; §601.10(f) – describes required measures and use of statewide reporting form for water conservation plan
4. Compact Section 4.3/Agreement Article 200 – Powers to Manage/Regulate Withdrawals and Prohibit Diversions
- Statute: NYS ECL §21-1001; NYS ECL §15-1503 – outlines authority to regulate new and increased withdrawals by permit; ECL §15-1504 – outlines authority to manage existing agricultural withdrawals by registration and reporting requirements and defines exemptions to registration; ECL §15-1505.6 – delineates prohibition on diversions from Great Lakes-St. Lawrence River basin with exceptions
 - Regulation: 6NYCRR §601.4(a) – implements prohibition on diversions consistent with Compact; §601.6-10 – delineates provisions for withdrawal permits; §601.16 – outlines elements for denial, suspension or revocation of permits; §601.18(j) – re-asserts prohibition of water diversions from GL-SLR basin;
5. Compact Section 4.8, 4.9 and 4.13/Agreement Articles 200, 201 and 208 – Prohibition and Exceptions to New or Increased Diversions
- Statute: ECL §21-1001; NYS ECL §15-1501.7 – defines exceptions to water withdrawal and diversion permits consistent with Compact Section 4.13; ECL §15-1505.6 – prohibits diversions per Compact;
 - Regulation: 6NYCRR §601.4(a) – implements prohibition on withdrawals and diversions consistent with Compact; §601.9 – establishes exemptions to required permits; §601.10(n) – implements prohibition on any new or increased diversions; §601.11(d) – establishes return flow requirement for all unused water if diverted from GLSLR basin; §601.18(j) – prohibits inter-basin diversions consistent with Compact unless eligible for an exception

6. Compact Section 4.10/Agreement Article 206 – Management and Regulation of New & Increased Withdrawals
 - Statute: NYS ECL §21-1001; ECL §15-1502.14 – defines threshold volume for management and regulation; ECL §15-1503 – authorizes regulatory permit program;
 - Regulation: 6NYCRR §601.2(p) - , §601.3-10
7. Compact Section 4.11/Agreement Article 207
 - Statute: NYS ECL §15-1502.14; ECL §15-1503.2; ECL §21-1001;
 - Regulation: 6NYCRR §601.2 implements definitions consistent with Compact, §601.5 – implement mandatory reporting requirements for water withdrawals; §601.10(k) – incorporates elements of decision-making standard into permit evaluation; §601.11– implements process for taking action on permit applications
8. Agreement Article 304 – Water Conservation and Efficiency Program
 - Statute: NYS ECL §21-1001; ECL §15-1501.6 – mandates water conservation measures for all permitted withdrawals; ECL §15-1501.8 – establishes goals of water conservation and efficiency program; ECL §15-1503(f) - delineates elements of mandatory water conservation program
 - Regulation: 6NYCRR §601.5(6) – reporting of consumptive use; §601.7(e) – establishes 10-year term for permits and incorporates requirement for environmentally sound and economically feasible water conservation measures; §601.10(f) – describes required measures and use of statewide reporting form for water conservation plan.

II. Description of Water Management Program

- A. Summary description of the State’s water management program scope and thresholds, including the current status of program implementation and a description of which New or Increased Withdrawals, Consumptive Uses and Diversions are subject to the program.

New York State was among the first states to adopt the Compact into state Environmental Conservation Law (ECL) on March 4, 2008. The ECL was updated in 2011 to further protect New York’s waters, incorporating the obligations of the Great Lakes-St. Lawrence River Basin Water Resources Compact into a statewide regime, by requiring a NYSDEC permit for any type of water withdrawal system having the maximum capacity to withdraw 100,000 gallons per day (gpd) or more of surface water or groundwater. By basing the threshold on system capacity exceeding 100,000 gpd rather than volume withdrawn, New York’s threshold encompasses a greater number of withdrawals and consumptive uses. Previously, this law applied only to public water supplies.

The law covers the following areas:

- Non-agricultural water withdrawal reporting and permitting
- Agricultural water withdrawal reporting, registration and permitting
- Water well contractor program
- Drought information
- Scientifically sound and economically feasible water conservation and efficiency plans including a Water Conservation Manual and Certification Information For NYS Water Saving Plumbing Fixtures law
- Inter-basin diversions and registration including the Compact's prohibition and exceptions for diversions

Because the law expanded management and regulation of water withdrawals to a broader number of facilities having existing permits or registrations and to all new or increased withdrawals, it established two types of permits:

- "New Permits" are required before a new water withdrawal system, or an increase in taking at an existing system, can be put into operation. Some currently operating facilities that previously did not require a permit may fall under the "New Permits" definition.
- "Initial Permits" are required of *any type* of existing water withdrawal having the capacity to withdraw 100,000 gallons per day or more. Consequently, a large number of existing water withdrawals that were not previously required to obtain permits now need to do so. In order to manage permitting of all these existing facilities in a coordinated fashion, the regulations contain a 5-year schedule for application submissions to DEC, beginning with the largest (greater or equal to 100 million gallons per day) due in 2013 and the smallest by February 15, 2017.

The law also requires statewide registration and reporting of existing (in existence before February 15, 2012) agricultural withdrawals that are greater than 100,000 gpd (30 day average) and major basin water diversions of greater than 1,000,000 gpd. The law became effective on February 15, 2012 and final implementing regulations became effective on April 1, 2013.

In addition, all water withdrawal permits require annual reporting of the following information:

- The water source, the location of the water source and the source capacity;
- The amount of water withdrawn for the calendar year including the average and peak withdrawals;
- A description of the use of the water withdrawn;
- The estimated amounts of water returned, if any, the locations of such returns, and the method of such returns;
- The actual or estimated average monthly and annual volumes and rates of water lost or consumptively used from the withdrawal;
- The water conservation and efficiency measures undertaken during the reporting period; and
- Any water user that purchased water from your facility during the previous year.

B. How Water Withdrawals by specific sectors in the State are managed

As described above, NYSDEC's Division of Water regulates by permit and registration, all water withdrawals (with some exceptions) within the Great Lakes basin greater than or equal to 100,000 gpd.

A typical permit application must include, but is not limited to:

- General and Detailed Maps
- Contract Plans
- Engineer's Report
- Water Conservation Program
- Latest Annual Water Reporting Form
- Project Justification
- Compliance with the Great Lakes – St. Lawrence River Water Resources Compact

In making its decision to grant or deny a permit or to grant a new permit with conditions, the Department shall determine whether:

- the proposed water withdrawal takes proper consideration of other sources of water supply that are or may become available;
- the quantity of supply will be adequate for the proposed use;
- the proposed project is just and equitable to all affected municipalities and their inhabitants with regard to their present and future needs for sources of potable water supply;
- the need for all or part of the proposed water withdrawal cannot reasonably be avoided through the efficient use and conservation of existing water supplies;
- the proposed water withdrawal is limited to quantities that are considered reasonable for the purposes for which the water use is proposed;
- the proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water dependent natural resources, including aquatic life, this determination may include an evaluation of whether all withdrawn water that

is not lost to reasonable consumptive use will be returned to its source New York major drainage basin;

- the proposed water withdrawal will be implemented in a manner that incorporates environmentally sound and economically feasible water conservation measures; and
 - the proposed water withdrawal will be implemented in a manner that is consistent with applicable municipal, state and federal laws as well as regional interstate and international agreements.
- a. New York specifically considers the source of all water withdrawals (groundwater, surface water (Great Lakes-St. Lawrence River), surface water other than Great Lakes-St. Lawrence River).

All water withdrawal 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.

Such applications must include:

- a general description of the project and the engineering features of the existing or proposed water withdrawal system;
 - a listing of all existing sources of water supply, including wells, surface withdrawals, and any purchases, sales or transfers of water;
 - the general character and extent and essential design features of proposed controlling, diverting or regulatory works;
 - the proposed instantaneous and maximum daily rates of withdrawal; the existing and projected daily average, daily maximum, and 30 day maximum water demands of the water withdrawal system;
 - for groundwater sources, well drilling logs, monitoring well locations and pump test data and analyses of results; and
 - for surface water sources, information on rainfall, stream flows and classifications,
 - contributing watershed size, location of the nearby USGS stream gages, other upstream water withdrawals, safe
 - yield analyses or passby flow calculations and proposed withdrawal methods including intake structure design and screening.
- b. New York specifically considers the quantity of all water withdrawn (regulatory thresholds, volumes, rates, and reporting requirements). Specifically,

Any person who is engaged in, or proposes to engage in, the construction, operation or maintenance of a water withdrawal system that withdraws water of a volume equal to or greater than the threshold volume must obtain a permit or agricultural registration.

'Threshold volume' means the withdrawal of water of a volume of one hundred thousand gallons or more per day, determined by the limiting maximum capacity of the water withdrawal system; except that for withdrawals for agricultural purposes the threshold volume shall mean the withdrawal of water of a volume in excess of an average of one hundred thousand gallons per day in any consecutive thirty-day period.

An annual report must be submitted on a form available from the Department, based on the water withdrawals for the previous calendar year, and shall include all information requested by the Division of Water. See IIA for reporting requirement details.

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

Permitting and registration requirements are applicable throughout New York State's portion of the Great Lakes-St. Lawrence River Basin.

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

All New York State Exemptions are compliant with the Compact and Agreement. A complete listing of these exemptions can be found at:
<http://www.dec.ny.gov/permits/6379.html>

The following exemptions are valid within the Great Lakes-St. Lawrence River Basin:

- Withdrawals of hydropower facilities operating under a valid Federal Energy Regulating Commission license;
- Withdrawals from the New York State Canal System, as defined by Subdivision 1 of Section 2 of the Canal Law, that are used by the New York State Canal Corporation for purposes authorized by law;
- Closed loop, standing column or similar non-extractive geothermal systems;
- On-site water withdrawal systems for approved inactive hazardous waste remedial site programs conducted pursuant to state or federal court order or state or federal government agency agreement or order;
- Withdrawals used for fire suppression or other public emergency purposes;
- The extension of supply or distributing mains or pipes within a previously-approved water service area that remains within the amount authorized in a water supply permit or water withdrawal permit for the purpose of supplying potable water;
- The reconstruction of facilities in an existing water withdrawal system when the capacity of such system is in no way altered (reconstruction does not include constructing an adjacent withdrawal structure);

- The construction of filtration or other treatment facilities that will not in any way alter the amount of water which can be made available from the present source of supply;
- Water withdrawals to supply ballast water necessary for lawful and normal vessel activity;
- Water withdrawal directly related to routine maintenance and emergency repairs of dams;
- Temporary water withdrawals for the purposes of construction, dewatering, hydrostatic testing, or aquifer testing, where the volume withdrawn is less than an average of 100,000 gallons per day in any consecutive thirty-day consecutive period (3 million gallons during a 30 day period).

C. How provisions of the Standard of Review and Decision are applied

a. Decision Making Standard for Withdrawals, Consumptive Uses.

ECL Article 15-1503 specifies the requirements of an application for a water withdrawal permit and the criteria that must be met. These criteria include consideration of other sources of supply, the implementation of water conservation measures, limiting the withdrawal to a reasonable usage and protection against adverse environmental impacts on the quality and quantity of the water source.

Furthermore, NYSCRR Part 617.1 of New York **State Environmental Quality Review** (SEQR) specifically requires that: (d) It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies.

In addition, NYSCRR Part 601.11 specifically addresses Section 4.11 of the Compact by requiring that:

- the proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water dependent natural resources, including aquatic life; this determination may include an evaluation of whether all withdrawn water that is not lost to reasonable consumptive use will be returned to its source New York major drainage basin;
- the proposed water withdrawal will be implemented in a manner that incorporates
- environmentally sound and economically feasible water conservation measures;

- the proposed water withdrawal will be implemented in a manner that is consistent with applicable municipal, state and federal laws as well as regional interstate and international agreements.
- the proposed water withdrawal is limited to quantities that are considered reasonable for the purposes for which the water use is proposed;
- the need for all or part of the proposed water withdrawal cannot reasonably be avoided through the efficient use and conservation of existing water supplies; and
- the quantity of supply will be adequate for the proposed use.

b. Exception Standard for Diversions.

ECL Article 15-1505.6 states that diversions from the great lakes basin are prohibited except for limited public water supply projects.

6 NYCRR Part 601.10(n) further states that any public water supply diversion will on be considered if they are in compliance with the GLSLR Compact.

- D. Overview of State reporting and database of Withdrawals, Consumptive Uses and Diversions including implementation status and database elements and capabilities, and reporting mechanisms (e.g., electronic submission) and methods of measurement (e.g., flow volume or rate meters, flow gauging, timing devices, etc.).

6NYCRR Part 601.5 requires that all systems with the capacity to withdraw 100,000 gpd or more must submit an annual water withdrawal report to the Division of Water. These reports include withdrawal locations, average and peak day amounts, the usage sector, the location and amounts of water returned and the resulting consumptive losses. <http://www.dec.ny.gov/lands/86940.html>

The annual report shall be submitted on a form available from the Department, based on the water withdrawals for the previous calendar year, and shall include all information requested by the Department including but not be limited to the following:

- the water source, the location of the water source and the source capacity if known;
- the amount of water withdrawn for the reporting period, including the average and peak withdrawals, for monthly or other intervals specified by the Department;
- a description of the use of the water withdrawn ;
- the estimated amounts of water returned, if any, the locations of such returns, and the method of such returns;
- the actual or estimated average monthly and annual volumes and rates of water lost or consumptively used from the withdrawal; and

- the water conservation and efficiency measures undertaken during the reporting period.

The Division, in turn, annually reports water use by sector to the Great Lakes Commission for incorporation into the **Great Lakes Regional Water Use Database**.

E. New York State's Withdrawal application form(s)

Copies of the related regulations, policies and manuals with the various permit application form, annual reporting form and related forms can be found on NYSDEC's public website at: <http://www.dec.ny.gov/lands/94327.html>

F. Summary of the State'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.

New York State is working to improve the scientific basis for water management on numerous programmatic levels. Examples include:

- Across New York's portion of the Great Lakes basin, stakeholders are working collaboratively under an *Interim Great Lakes Action Agenda* that includes the goal, "Conserve Great Lakes water supplies in a manner that recognizes the renewable but finite supply of waters of the Great Lakes basin for the long-term sustainable use and enjoyment of the public." A cross-cutting objective to implementing this goal is to enhance coordinated science, monitoring and information management. Opportunities for water users, researchers and other stakeholders to annually pursue competitive small grants for related scientific research, demonstration and applications are now available through New York Sea Grant. (See <http://www.dec.ny.gov/lands/91881.html>)
- New York has established the *Climate Smart Communities Guide to Local Action* that contains overviews of possible community actions, how-to's and case studies to help communities adapt to the risks posed by climate change. Many of these risks affect vulnerable water supplies, water conveyance infrastructure systems and increased water demands especially during drought periods. A clearinghouse of climate and water-based scientific materials, methods and technologies is being developed to assist local communities in adaptation planning. (See <http://www.dec.ny.gov/energy/76483.htm>)
- New York is also promoting ecosystem-based management approaches for more informed decision-making processes regarding groundwater withdrawals. In partnership with the U.S. Geological Survey's New York Office, innovative aquifer quantity and quality characterization studies are underway that can lead to interactive models to test aquifer vulnerabilities and re-charge capabilities under varying conditions. Initial studies are focusing on the very high quality and threatened Tug Hill Aquifer near eastern Lake Ontario.

- All water withdrawal applications for new or increased groundwater withdrawals require the submittal of a long term pumping test. Each test is assessed for potential impacts to other water users and the surrounding resources. 6 NYCRR Part 601.11(c) states that in making its decision to grant or deny a permit or to grant a permit with conditions, the Department shall determine whether (6) the proposed water withdrawal will be implemented in a manner to ensure it will result in no significant individual or cumulative adverse impacts on the quantity or quality of the water source and water dependent natural resources, including aquatic life; this determination may include an evaluation of whether all withdrawn water that is not lost to reasonable consumptive use will be returned to its source New York major drainage basin.
- Water conservation and efficient use measures and methods vary considerably between different types of users, facilities, seasons, locations, etc. New York believes no “one size fits all” water conservation plan can apply universally. Consequently, the NYSDEC has devised an innovative guidance to assist potable and non-potable water permit applicants in developing their water conservation plans through an online tools that seeks to match possible methods to water uses. As permitted water users gain experience with the water conservation and efficient use methods, the tools can be adapted to enhance efficiency and effectiveness of future plans.
(See <http://www.dec.ny.gov/lands/86945.html>)

III. Water Conservation and Efficiency Program Report

- A. Status of the State or Province’s Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives.
1. Ensuring improvement of the waters and water dependent natural resources;
 2. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;
 3. Retaining the quantity of surface water and groundwater in the Basin;
 4. Ensuring sustainable use of waters of the Basin; and,
 5. Promoting the efficiency of use and reducing losses and waste of water.

Since 1989, New York State has required all public water supply systems in the GLSLRB to develop and submit water conservation programs when applying for new or increased water withdrawals. Each program has to specifically address:

- Source and customer metering;
- System water auditing to identify water losses and inefficiencies;
- System leakage and repair and;
- Water use reduction particularly during the summer and drought conditions.

Based upon these programs, water withdrawal permits have been conditioned to require the implementation of environmentally sound and economically feasible water conservation practices.

In 2011, New York’s program was expanded to cover other sectors of water withdrawal in addition to public water supply. Again, water conservation programs are required to discuss and implement the best management practices for water conservation and reuse measures

that apply to that particular sector of usage. These programs, in turn, lead to permit conditions in each water withdrawal approval.

In the spring of each year, water withdrawers are required to submit an annual report for the previous calendar year that includes a discussion and questions regarding compliance and progress with water conservation programs and conditions.

B. Overview of New York’s Water Conservation and Efficiency Program.

DEC regulates water withdrawals, interbasin diversions, collects and evaluates water withdrawal data, registers water well contractors, monitors and reports on regional drought conditions and provides technical guidance on water conservation. All permit applicants are required to have a water conservation plan consistent with goals and objectives of Compact: <http://www.dec.ny.gov/lands/86945.html>

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

Water withdrawal, Conservation and Drought program page references the Water Resources Law, which is part of NYS Environmental Conservation Law; Title 15, and is derived from the GL/SL Water Resources Compact. <http://www.dec.ny.gov/lands/313.html>

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

All applications for water withdrawal permits require a Water Conservation Program that demonstrates an applicant's water conservation and efficiency measures. These must be environmentally sound, economically feasible and minimize inefficiencies and water losses. Such measures must include but are not limited to: source and customer metering; frequent system water auditing; system leak detection and repair; recycling and reuse, and reductions during drought. <http://www.dec.ny.gov/lands/86945.html>

For each of the regional objectives, identify how the State/Provincial program is consistent with the regional objective, and a description of how the State or Province promotes Environmentally Sound and Economically Feasible Water Conservation Measures. More details for each objective are available at http://www.glsregionalbody.org/Docs/Resolutions/GLSLRWRRB_Resolution_6-Conservation-Efficiency.pdf and can be provided in the table below.

OBJECTIVES	LEGISLATIVE OR PROGRAM CITATION
➤ Guide programs toward long-term sustainable water use.	ECL 15-1501.8 requires the DEC to adopt a program based on the Compact’s five water conservation goals; ECL 15-1503.2 adopts the Compact’s decision-making criteria for permit approval, including implementation in a manner that incorporates environmentally sound and economically feasible water conservation measures; and 1503.3 requires the DEC to publish a water conservation manual.
➤ Adopt and	An additional Water Conservation Manual (15 ECL

<p>implement supply and demand management to promote efficient use and conservation of water resources.</p>	<p>1501.8), has been developed by DEC to address various components of this objective which will be incorporated into conservation plans developed by all new non-potable water permit applicants.</p> <ul style="list-style-type: none"> - Water conservation plans are required to provide annual water audit data which compares produced water to metered sales. - All water withdrawal permit applications for new or increased groundwater withdrawals must submit the results of a pumping test. -- All water withdrawal 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.
<p>➤ Improve monitoring and standardize data reporting among State and Provincial water conservation and efficiency programs.</p>	<p>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 for the submittal of this data have been developed. http://www.dec.ny.gov/lands/86940.html Information required is consistent with guidance developed by Compact Council/Regional Body.</p>
<p>➤ Develop science, technology and research.</p>	<p>In developing an additional Water Conservation Manual the DEC has worked to identify best management practices and state of the art technologies for consideration by various water user categories.</p>
<p>➤ Develop education programs and information sharing for all water users.</p>	<p>DEC's current public guidance information is available on the Department's website:</p> <ul style="list-style-type: none"> - Annual Water Withdrawal Reporting: http://www.dec.ny.gov/lands/86940.html - Water Conservation Tips for the Public: http://www.dec.ny.gov/lands/5009.html <p>The Water Conservation Manuals have been designed specifically to enhance public understanding and access to best management practices for various water users. The manual is available via internet: http://www.dec.ny.gov/lands/86945.html</p>

C. Description of the State's water conservation and efficiency program implementation timeline.

NYS ECL 15-1501 was updated 2011. Amendments to ECL 15-1501, passed in 2011 and became effective February 15, 2012. Regulations (6NYCRR Part 601) took effect on April 1, 2013 that include a five year implementation schedule for all existing, non-public water supply systems initial permits to be in-place by February 15, 2017. The timeline is based on issuance of initial permits for the largest (i.e., greater than 100 mgd

*withdrawals) first with incrementally smaller withdrawals each year until all are in compliance in 2017. Re: <http://www.dec.ny.gov/lands/86935.html>
The Department is currently completing the second round of initial permits (state-wide). All existing Public Water supply systems have been required by permit to adopt water conservation plans.*