

**New York City Department of Environmental Protection
Bureau of Water Supply**

**Section 6.1: DEP will report on progress of the proposed changes to
the Watershed Regulations until adopted.**

October 2019

*Prepared in accordance with Section 6.1 of the NYSDOH
2017 Filtration Avoidance Determination*



Prepared by: Matthew Giannetta, Bureau of Water Supply

DEP is moving forward with proposed amendments to the Watershed Regulations in accordance with the sequence of actions noted below.

Outreach

DEP met with regulatory agencies (EPA, DOH, and DEC) and with other parties, including interested environmental groups, the Coalition of Watershed Towns and the office of the Watershed Inspector General beginning in spring 2016 through November of 2017, to discuss proposed amendments to the Watershed Regulations. The proposed draft amendments incorporate changes in federal and state law and also address issues that have arisen during administration and enforcement of the Regulations, which were identified by a number of the interested parties.

Response

Based on feedback, including written comments from interested parties, DEP incorporated, where appropriate, suggested edits and revisions to the proposed amendments and circulated a full draft of the revised amendments to all parties in late 2017. DEP continued to receive input from interested parties through March 2017 and has addressed all comments to date as it finalizes the proposed amendments.

Environmental Review

Pursuant to both SEQRA and City Environmental Quality Review (CEQR) process, DEP circulated an environmental assessment form and notice of lead agency to stakeholders and other involved agencies on May 24, 2018. No comments were received during the 30 day review period thus confirming DEP's status as lead agency for this action. DEP determined that the amendments are not anticipated to have any potential significant adverse impacts on the environment and as such, adopted a Negative Declaration on March 14, 2019 in accordance with NYCRR Part 617, the SEQRA Handbook, and the CEQR process, as set forth in 62 Rules of the City of New York.

City Administrative Procedure Act (CAPA) Process [Ongoing]

On September 28, 2018, DEP published the proposed amendments in the City Record thus commencing the CAPA process. Pursuant to CAPA, DEP held four public hearings between October 30 and November 8, 2018. DEP received a limited number of comments in writing during the public comment period which closed on November 23, 2018. After consideration of those comments, DEP made several minor edits and corrections to the amendments. As required under CAPA, DEP will publish the amended regulations a second time in the City Record - on October 30, 2019. The amendments can become effective no sooner than 30 days after the second publication and as such, DEP has established a promulgation date of November 29, 2019.

Public Health Law (PHL) Procedures [Ongoing]

DEP submitted the amendments to DOH for approval on December 19, 2018 and received approval on August 14, 2019. On October 21, 2019, DEP initiated publication of the amended regulations in accordance with PHL - once a week for two consecutive weeks in at least one newspaper with circulation in each watershed county. The PHL publication requirements will be satisfied by November 1, 2019.