

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

**Timeline for completing proposed changes to the
Watershed Regulations**

February 2018

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



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

Initial Outreach and Response

DEP met with regulatory agencies (EPA, DOH, and DEC) and with other parties, including interested environmental groups and the Coalition of Watershed Towns, beginning in spring 2016 through September 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.

DEP circulated a full draft of the revised amendments to all interested parties in October 2017, received feedback from a number of those entities and has addressed many of the comments. DEP continues to refine the draft amendments to incorporate, where appropriate, other suggested edits and revisions as it finalizes the proposed amendments. The proposed changes accompanying this timeline reflect resolutions to many issues raised by the stakeholders; DEP intends to pursue informal discussions on several remaining issues before commencing the formal rulemaking process required under the City Administrative Procedure Act (which, as described below, provides for public participation).

Environmental Review

The potential environmental impacts of the proposed amendments must be reviewed under both SEQRA and City Environmental Quality Review (CEQR). Pursuant to SEQRA/CEQR, DEP must circulate an environmental assessment form and notice of lead agency to other involved agencies. DEP intends to circulate the environmental assessment form and notice of lead agency in May 2018. The involved agencies then have 30 days to agree on the designation of lead agency. Once lead agency is established, the lead agency must make a determination of significance. DEP anticipates that it will act as lead agency, as it has done with prior amendments to the Watershed Regulations.

City Administrative Procedure Act (CAPA) Process

The CAPA process will commence after SEQRA/CEQR lead agency has been confirmed. Under CAPA, DEP must publish the proposed amendment in the City Record, provide at least 30 days for public comment, and hold a public hearing no sooner than 30 days after the publication. DEP intends to publish the proposed amendments in the City Record in July 2018 and to accept comments through September 2018.

After consideration of the relevant comments received during the comment period and hearing, and subject to the Public Health Law Procedures described immediately below, DEP may adopt final amendments. The final amendments must be published a second time in the City Record unless there are major modifications as a result of the public comments, in which case a second round of public comment may be required. The rules can become effective no sooner than 30 days after the second publication.

Public Health Law (PHL) Procedures

After the CAPA public comment period concludes and DEP considers any comments, DEP will submit the revised amendments to DOH for approval. DEP expects to submit the amendments to DOH for approval in October 2018; this assumes that the public comments do not necessitate a period of discussions with interested parties and/or trigger a second public comment period. Once DOH has approved the amendments, DEP must publish the amended regulations once a week for two consecutive weeks in at least one newspaper with circulation in each watershed county before the amendments can become final. This PHL publication can occur at the same time as the second CAPA publication.