

**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.**

**April 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.

### **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 ~ May 2018**

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. 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 in accordance with NYCRR Part 617 and the SEQRA Handbook, 3rd Edition, 2010. 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 [tbd]**

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. After consideration of the relevant comments received during the comment period and hearing, DEP may adopt final amendments. The final amendments must be published a second time in the City Record. They can become effective no sooner than 30 days after the second publication.

### **Public Health Law (PHL) Procedures [tbd]**

After the CAPA public comment period concludes and DEP considers any comments, DEP will submit the amendments to DOH for approval. 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.