

ENVIRONMENTAL HEALTH MANUAL

NEW YORK STATE DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH CENTER FOR ENVIRONMENTAL HEALTH	ITEM NO: PWS 100 DATE: 5/27/94
	SUBJECT: Adoption of Rules and Regulations for the Protection of Water Supplies
PROCEDURE	[Currently Under Revision (4/1/2008)]
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POLICY

- A. The Department shall promote the protection of sources of public water systems through the adoption and enforcement of watershed rules and regulations.
- B. The Local Health Unit (LHU) shall pursue the adoption and enforcement of rules and regulations and shall guide local water supply officials accordingly.

PROCEDURE FOR ADOPTION

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| Supplier of Water | 1. Notifies the LHD of desire to adopt rules and regulations, or |
| LHU | 2. Notifies the Supplier of Water that rules and regulations are needed to protect water source(s). |
| | 3. Meets with Supplier of Water and provides, as needed: |
| | a. Advice and/or assistance in performing a sanitary survey of the watershed. |
| | b. Model rules and regulations. |
| | c. Excerpt of Public Health Law, Sections 1100-1107. |
| | d. Procedure for adoption of rules and regulations. |
| Supplier of Water | 4. Prepares rules and regulations and forwards to LHU. |
| LHU | 5. Reviews and then forwards proposed rules and regulations to Bureau of Public Water Supply Protection with recommendations and comments. |
| Bureau of Public Water Supply Protection | 6. Reviews proposed rules and regulations; if needed, makes changes in the proposal and obtains Supplier of Water's agreement, via LHU. |

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| | 7. Forwards proposed rules and regulations to the Bureau of Management Services. |
| Bureau of Management Services | 8. Forwards the proposal to the Division of Legal Affairs for review and endorsement. |
| Division of Legal Affairs | 9. Reviews proposed rules and legal aspects. Returns rules to Bureau of Management Services with comments. |
| Bureau of Management Services | 10. Reviews comments by Division of Legal Affairs. |
| | <ul style="list-style-type: none"> a. If rules are acceptable proceed with Step 11. b. If unacceptable, returns to Bureau of Water Supply Protection (see Step 6.) |
| | 11. Publishes the proposal in the State Register in accordance with the State Administrative Procedures Act. |
| | 12. Secures approval of the State Commissioner of Health and forwards copies of the rules to the Bureau of Public Water Supply Protection. |
| Bureau of Public Water Supply | 13. Forwards a copy of rules and regulations to the LHU. |
| | 14. Forwards three copies of the rules and regulations to the Supplier of Water. |
| Supplier of Water | 15. Adopts, as appropriate, the final version of the rules and regulations. |
| | 16. Publishes the rules and regulations at least once each week for two consecutive weeks in at least one newspaper within the country or counties where the waters to which they relate are located. |

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17. Files in the office of the county clerk or county clerks of such county or counties one copy of the rules and regulations published together with the affidavit of publication by the printer, publisher, or proprietor of each newspaper in which such rules and regulations were published.
18. Forwards to Bureau of Public Water Supply Protection a copy of each of (a) resolution adopting the Rules, (b) the affidavit of publication, and (c) a certificate from the county clerk or clerks stating that the rules and the affidavit of publication have been filed in his office.
- Bureau of Public Water Supply Protection 19. Forwards copies of the documents received under Item 18 to the Bureau of Management Services and requests them to file the rules with the Secretary of State.
20. Notifies the LHU when rules and regulations have been filed with the Secretary of State.
- Local Health Unit 21. Advises Supplier of Water that the rules are legally enforceable.
- Supplier of Water 22. Implements rules and regulations and initiates, as appropriate, inspections and follow-up activities.

REFERENCES

- A. Public Health Law, Sections 1100 through 1107.
- B. Official Compilation of Codes Rules and Regulations of State of New York, Title 10 (Health), Chapter III (Public Water Supplies), Parts 100 through 158.
- C. "Water Supply Source Protection Rules and Regulations Project," Final Report – March 1981. SUNY College of Environmental Science and Forestry (the Robert Hennigan report).