



State of New York

Executive Chamber

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

MAY 21 1997

Alyson K. Sanchez
Secretary of State

No. 51

EXECUTIVE ORDER

ACTIVITIES OF STATE AGENCIES WITHIN THE NEW YORK CITY WATERSHED

WHEREAS, it is vital to assure the continued adequate supply of exceptional quality drinking water for the eight million residents of the City of New York and the one million New York State residents outside New York City who depend upon the New York City drinking water supply system;

WHEREAS, the primary sources of water for the New York City water supply system originate in portions of the Catskill Mountain Region and the Hudson River Valley, commonly referred to as the watershed of the New York City water supply and its sources (the "Watershed");

WHEREAS, the New York City water supply is an extremely valuable natural resource that must be protected in a comprehensive manner;

WHEREAS, on January 21, 1997, the State of New York, the City of New York, the Coalition of Watershed Towns, the United States Environmental Protection Agency, Westchester County, Putnam County, certain municipal corporations and certain environmental organizations executed the New York City Watershed Memorandum of Agreement (the "Memorandum of Agreement");

WHEREAS, pursuant to the Memorandum of Agreement, New York City has submitted proposed Watershed Regulations which were negotiated and agreed to by the parties to the Memorandum of Agreement (the "Watershed Regulations") to the New York State Department of Health for approval;

WHEREAS, pursuant to the Memorandum of Agreement, following approval of the Watershed Regulations by the New York State Department of Health, New York City will promulgate the Watershed Regulations pursuant to the New York City Administrative Procedure Act and the New York State Public Health Law, and the New York State Department of Health will promulgate the Watershed Regulations pursuant to the New York State Administrative Procedure Act and the New York State Public Health Law;

WHEREAS, the Watershed Regulations will protect the public health by averting future contamination to and degradation of the New York City water supply and by remediating existing sources of pollution or degradation of the New York City water supply;

WHEREAS, by virtue of State law, the Watershed Regulations exempt State departments, agencies, boards, public benefit corporations, public authorities and commissions from compliance with the requirements of the Watershed Regulations; and

WHEREAS, notwithstanding this exemption, the departments, agencies, boards, public benefit corporations, public authorities and

commissions of New York State have a responsibility to protect the resources of the Watershed;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby direct that the activities of State departments, agencies, boards and commissions comply with the same substantive requirements of the Watershed Regulations to which private persons are subject.

1. Any State department, agency, board or commission which undertakes any activity, or substantial alteration or modification of any activity, in the Watershed, shall comply with the requirements of the Watershed Regulations, except that no such State entity shall be required to submit any application or other materials for review and/or approval by the New York City Department of Environmental Protection. For purposes of this order, "activity" means any of the following actions in the Watershed which are specifically regulated in the Watershed Regulations:

1. Discharge or storage of pathogenic materials.
2. Discharge or storage of hazardous substances and hazardous wastes.
3. Discharge or storage of radioactive materials.
4. Discharge or storage of petroleum products.
5. Discharge or transport of human excreta.
6. Design, construction and operation of wastewater treatment plants.
7. Design, construction and operation of sewerage systems and service connections.
8. Design, construction and operation of intermediate sized and individual sewage treatment systems.
9. Discharge of stormwater and sediment, and preparation and implementation of stormwater pollution prevention plans.
10. Construction of impervious surfaces.
11. Discharge from miscellaneous point sources.
12. Discharge of solid waste, including the siting of junkyards and solid waste management facilities.
13. Discharge from agricultural activities.
14. Discharge, use or storage of pesticides.
15. Application and storage of fertilizers.
16. Snow disposal and application and storage of winter highway maintenance materials.

2. Any state department, agency, board or commission which undertakes any activity, or substantial alteration or modification of any activity, in the Watershed, shall provide the New York City Department of Environmental Protection with notification of such activity thirty (30) days before commencing any such activity.

3. This order shall not apply to any emergency project which is immediately necessary for the protection of life or property and which is undertaken within 10 days of the discovery by the State department, agency, board or commission of the emergency.

4. Public authorities and public benefit corporations engaged in activities within the Watershed are urged to comply with the requirements set forth in this Order.

G I V E N under my hand and the Privy

Seal of the State in the City
of Albany this twentieth day
of May in the year one
thousand nine hundred ninety-
seven.



George E. Pataki

BY THE GOVERNOR

Richard A. Pica
Secretary to the Governor

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