



STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

AUG 19 1998

Alexander F. Scovel
Secretary of State

State of New York

Executive Chamber

No. 86

EXECUTIVE ORDER

ESTABLISHING THE NEW YORK CITY WATERSHED INSPECTOR GENERAL

WHEREAS, it is the policy of the State of New York to conserve, improve and protect its natural resources and environment, and control water pollution to enhance the health, safety and welfare of the people of the State;

WHEREAS, adequate and suitable water for water supply and domestic and municipal use is essential to the health, safety and welfare of the people and the economic growth and prosperity of the State;

WHEREAS, the drainage basins of the Croton, Catskill and Delaware systems of the New York City drinking water supply provide drinking water to approximately nine million individuals, constituting approximately fifty per cent of the State's population;

WHEREAS, to fulfill its responsibilities as trustee of the environment for the present and future generations, the State must use all available and reasonable means to ensure that the waters of the State are conserved and developed for all public beneficial uses, and to prevent contamination of the waters of the State;

WHEREAS, consistent with, and to effectuate the above policies, the State of New York entered into a Memorandum of Agreement ("MOA") with the City of New York, the Coalition of Watershed Towns, the United States Environmental Protection Agency, various environmental organizations, Westchester County, Putnam County and other municipalities on January 21, 1997, which provides for the development and implementation of a Watershed protection program that maintains and enhances the quality of the New York City drinking water supply system and the economic vitality and social character of the Watershed communities; and

WHEREAS, the parties to the MOA have agreed that a Watershed Inspector General should be appointed to enhance current efforts to protect the New York City drinking water supply from activities that have the potential to adversely affect the New York City Watershed reservoirs and tributaries;

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 establish the position of Watershed Inspector General as follows:

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1. Appointment, Compensation, and Removal

The Governor and the Attorney General shall jointly appoint the Watershed Inspector General who shall be an Assistant Attorney General. The Attorney General shall employ, fix the compensation and, in consultation with the Governor, remove the Assistant Attorney General appointed as the Watershed Inspector General.

2. Definitions

(a) "Watershed" means the drainage basins of the Croton and Catskill and Delaware systems.

(b) "Croton system" means the Amawalk, Bog Brook, Cross River, Croton Falls, Diverting, East Branch, Middle Branch, Muscoot, New Croton and Titicus Reservoirs, Kirk Lake, Lake Gleneida, and Lake Gilead, and the tunnels, dams and aqueducts which are part of and connect the above listed reservoirs and controlled lakes.

(c) "Catskill and Delaware system" means the Ashokan, Cannonsville, Kensico, Neversink, Pepacton, Rondout, Schoharie and West Branch/Boyd's Corner reservoirs, and the tunnels, dams and aqueducts which are part of and connect the above listed reservoirs.

3. Powers, Duties, and Responsibilities

To the full extent permitted by law, the Watershed Inspector General shall have the following powers, duties and functions relating to the use, operation and protection of the Watershed:

(a) to conduct and supervise investigations of alleged violations of the MOA, any statute, rule or regulation of the State, and any permit or order issued by the State;

(b) to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as the Watershed Inspector General may deem to be relevant to an investigation undertaken pursuant to this Order;

(c) to commence, prosecute and settle proceedings relating to civil and criminal violations;

(d) to coordinate with the New York City Watershed Program Coordinator within the Executive Chamber;

(e) to cooperate with any agency or department possessing regulatory authority relating to the use, operation and protection of the Watershed;

(f) to apply for search warrants pursuant to article six hundred ninety of the Criminal Procedure Law;

(g) to report, on an annual basis, to the Governor and the Attorney General, a listing of enforcement actions completed and activities undertaken;

(h) to recommend legislative, regulatory and management practice changes;

(i) to undertake any other investigations and enforcement actions, or enter into civil, administrative or criminal orders or settlement agreements, pursuant to the authority otherwise vested by law in the position of an Assistant Attorney General;

(j) to have full and unrestricted access to all records, reports, audits, reviews, documents, papers, recommendations or other material available to all agencies and departments over which the Governor has executive authority, and all public benefit corporations the heads of which are appointed by the Governor, for the purpose of carrying out this Order; and

(k) to request such information, assistance and cooperation from any federal, State or local government department, board, bureau, commission, authority or other agency or unit thereof for the purpose of carrying out this Order.

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4. Cooperation of Agency Officials and Employees

Every agency and department over which the Governor has executive authority, and all public benefit corporations the heads of which are appointed by the Governor, shall provide all reasonable assistance requested by the Watershed Inspector General for the purpose of carrying out this Order.

5. Notice to the State Inspector General

Upon obtaining evidence of corruption, fraud, criminal activity, conflicts of interest or abuse by any agency or department over which the Governor has executive authority, or any public benefit corporation the heads of which are appointed by the Governor, or any employee thereof, the Watershed Inspector General must provide prompt notice of such evidence to the State Inspector General. Prior to commencing an enforcement proceeding against any such agency, department, or public benefit corporation, or any such employee thereof, the Watershed Inspector General must give notice to the State Inspector General of the violation and the proposed enforcement action.



G I V E N under my hand and the
Privy Seal of the State
in the City of Albany
this nineteenth day of
August in the year one
thousand nine hundred
ninety-eight.

BY THE GOVERNOR

Joseph J. L. ...
Secretary to the Governor

My E. Pataki