



NEW YORK STATE DEPARTMENT OF HEALTH  
 OFFICE OF PUBLIC HEALTH  
 DIVISION OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL  
 HEALTH MANUAL

# PROCEDURE

5/14/84

TRANSMITTAL LETTER TL 84-3

PROCEDURE: PMS 100 PAGE 1 OF 4  
 ISSUING UNIT: Bureau of Public Water Supply  
 Protection

SUBJECT:  
 Adoption of Rules and Regulations for the  
 Protection of Water Supplies

## 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 shall pursue the adoption and enforcement of rules and regulations and shall guide local water supply officials accordingly.

## PROCEDURE FOR ADOPTION

Supplier of Water

1. Notifies the Local Health Unit of desire to adopt rules and regulations, or

Local Health Unit

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 Local Health Unit.

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| Local Health Unit                        | 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 Local Health Unit.  |
| Bureau of Management Services            | 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 for 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"> <li>a. If rules are acceptable, proceeds with Step 11.</li> <li>b. If unacceptable, returns to Bureau of Public Water Supply Protection (see Step 6).</li> </ul> |
| Bureau of Management Services            | 11. Publishes the proposal in the State Register in accordance with the State Administrative Procedures Act.   |
| Bureau of Management Services            | 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 Protection | 13. Forwards a copy of rules and regulations to the Local Health Unit.   |

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Supplier of Water

14. Forwards three copies of the rules and regulations to the 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 county or counties where the waters to which they relate are located.

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 Local Health Unit 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.

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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 the 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).

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