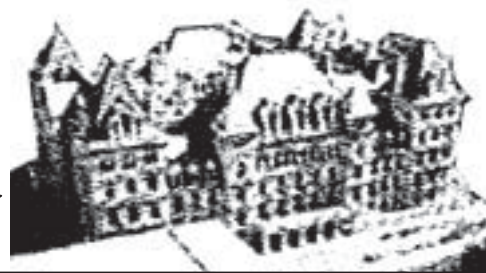


# Turfgrass Advocacy

2010



New York State Turfgrass Association • March 10, 2010

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## Background

Current New York State law requires entities with the capability of withdrawing 100,000 gpd to file an annual report of daily water usage and pay a \$50 fee. Senate bill S6335 expands the existing water supply permit program to have DEC promulgate regulations that would require entities that have the capacity to withdraw a minimum of 100,000 gpd to obtain a permit from the DEC. The current reporting law would be repealed.

## Summary of Bill

1. All water users that operate or propose to operate a system with the capacity of at least 100,000 gpd are covered. This includes agriculture. Currently DEC only has the authority to regulate public water supplies. As a result, uses for agriculture, the green industry and commercial uses are presently unregulated.
2. If the legislation were to pass, regulations to implement the law would need to be promulgated before the law went into effect.
3. Permit would be for 10 years.
4. The DEC Commissioner would need to report to the Governor and the Legislature within two years on any modifications to the threshold volume for particular water sources, watersheds, water bodies, or regions. In other words, more regulation possible.
5. The existing water reporting law that went into effect in 2009 to enable the State to gain information about large water withdrawals would be repealed December 31, 2012.
6. As part of the regulations promulgated by DEC, there will be annual reporting including among other things, water conservation practices. "Water Conservation Practices and Measures" is specifically defined in the legislation.
7. DEC decides whether to grant or deny a permit and there are numerous criteria spelled out in the law to help make that decision. Among these are: project plans, statement of need, description of long range water conservation program, irrigation system analysis, and contingency measures for limiting water use during seasonal or drought shortages.
8. Fee structure is spelled out depending on gpd capacity. For agriculture and public water suppliers, fees range from \$50 to \$250 annually. For everyone else, annual fees would be \$100 to \$1,000. Golf courses would probably be \$100 or \$250.

## Recommendation

Oppose this bill [S6335] because:

- Increased fees and regulation on industry in New York that is already over-regulated and over taxed;
- Potential for large up front engineering costs in going through the process; this has been proven to be the case in Connecticut;
- Can lead to open ended regulations that allows DEC to establish restrictions and limits on water usage.