



Legislation Text

File #: Res 0575-2002, **Version:** *

Res. No. 575

Resolution calling upon the New York State Legislature to amend the Public Health Law to establish higher penalties and authorize more effective injunctive relief for violations of New York City's Watershed Rules and Regulations.

By Council Members Gennaro, Fidler, Gerson, Liu, Lopez, McMahon, Monserrate, Nelson, Sanders, Weprin and Brewer; also Council Member Seabrook

Whereas, New York City's drinking water supply is a critical resource for eight million New York City residents, approximately one million residents of Westchester County, and a multitude of others who work in and visit the City; and

Whereas, The New York City Watershed Rules and Regulations, Chapter 18 of Title 15 of the Rules of the City of New York, comprise the regulatory mechanism through which New York City's drinking water supply and its sources are protected from pollution and degradation; and

Whereas, The high quality of New York City's drinking water faces a continuous threat from the cumulative and episodic impacts of pollution sources generated by certain land uses and activities within the watersheds that feed the City's reservoirs; and

Whereas, The United States Environmental Protection Agency has granted a Filtration Avoidance Determination, pursuant to Sections 141.71 and 141.171 of Title 40 of the Code of Federal Regulations, for the Catskill/Delaware water supply; and

Whereas, Ineffective Watershed Rules and Regulations will result in the inadequate protection of the Catskill/Delaware water supply, which may lead to the required filtration of this supply; and

Whereas, Filtration of the Catskill/Delaware water supply would result in a cost of billions of dollars to New York City; and

Whereas, Effective Watershed Rules and Regulations are necessary to maximize watershed protection, even if filtration of the Catskill/Delaware water supply is required; and

Whereas, The Watershed Rules and Regulations are enforced pursuant to the Public Health Law; and

Whereas, The penalty and injunctive relief provisions of the Public Health Law are substantially weaker than certain provisions that enforce water quality laws and regulations found in the Environmental Conservation Law and in the Safe Drinking Water Act; and

Whereas, Section 1102 of the Public Health Law provides that the New York City Commissioner of Environmental Protection may only seek injunctive relief and assess a penalty for the violation of the Watershed Rules and Regulations subsequent to the service of a notice of violation upon the alleged violator and the failure to comply within five days of such service; and

Whereas, Section 1103 of the Public Health Law provides that a person in violation of the Watershed Rules and Regulations may be liable for a maximum fine of only \$200 and up to one year imprisonment; and

Whereas, Violations of the Environmental Conservation Law and the Safe Drinking Water Act may result in penalties of up to \$25,000 per day, per violation and the threat of an immediate injunction; and

Whereas, An increased penalty and more effective injunctive relief for violating the Watershed Rules and Regulations would help foster compliance, therefore better protecting the watersheds and New York City's drinking water supply; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Public Health Law to establish higher penalties and authorize more effective injunctive relief for violations of New York City's Watershed Rules and Regulations.

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