

DELAWARE RIVER BASIN COMMISSION
ADMINISTRATIVE AGREEMENT

Preamble

In order to implement Article 1.5 of the Delaware River Basin Compact with a view toward avoiding duplication of staff functions and to effectuate intergovernmental cooperation, the Executive Director has been authorized by the Commission to enter into administrative agreements with state regulatory agencies. The effect of these agreements will normally be to have the staff work accomplished by the regulatory agency of the state in question accepted by the Commission.

Pursuant to the provisions of the Delaware River Basin Compact and to the Rules of Practice and Procedure of the Delaware River Basin Commission (Administrative Manual - Part II), this Administrative Agreement is hereby entered into by and between the Delaware River Basin Commission and the Water Resources Commission of the State of New York, acting in its capacity as coordinating agency for water resources matters in New York State.

A. General Provisions.

1. Definitions. For the purposes of this Agreement, unless otherwise required by the context:

- a. "WRC" shall mean the Water Resources Commission of the State of New York.
- b. "DRBC" shall mean the Delaware River Basin Commission.
- c. "DH" shall mean the Department of Health of the State of New York.
- d. "DPW" shall mean the Department of Public Works of the State of New York.
- e. "DC" shall mean the Department of Conservation of the State of New York.
- f. "Compact" shall mean the Delaware River Basin Compact.
- g. "Facility" shall mean a facility as defined by the Compact, and within the regulatory jurisdiction of an agency of the State of New York.
- h. "Project" shall mean a project as defined by the Compact, and within the regulatory jurisdiction of an agency of the State of New York.

1. "Exempt Project" shall mean a project which the DRBC has determined under Section 2-3.5 of the Rules of Practice and Procedure, not to have a substantial effect on the water resources of the Basin.
- j. The definitions included in Section 2-4.1(b) through (e) of the Rules of Practice and Procedure are incorporated herein and made a part hereof as if set forth in full.

2. Early Referral of Public Projects to DRBC for Inclusion in Comprehensive Plan. At the time that a project sponsor first comes to a State agency regarding a proposed public project, the State agency will immediately inform the DRBC, or at its option will require the project sponsor to immediately inform the DRBC for the following reasons:

- a. To meet the requirements of Section 11.2 of the Compact calling for planning in consultation with the DRBC and inclusion of the project in the Comprehensive Plan of the DRBC.
- b. To obtain such certificates as may be required for obtaining Federal aid in the form of advances for planning or construction grants.

3. Public Projects Under Article 11 of the Compact.

- a. As to public projects, the State agency will cooperate with the DRBC in applying Article 11 of the Compact and will instruct the sponsor to prepare and submit to DRBC the information required by Rule 2-1.4 of the Rules of Practice and Procedure. The State agency will receive from the sponsor the material and information so required, using forms acceptable to the DRBC, and will forward two copies thereof to the DRBC, together with the recommendations of the State agency with respect to the proposed project.
- b. The DRBC will review and consider the project for inclusion in the Comprehensive Plan pursuant to Article 1 of its Rules of Practice and Procedure.
- c. Whenever a public project has been included in the Comprehensive Plan, the Executive Director of the DRBC will so certify to the State agency concerned, and thereafter the State agency will advise the DRBC of any changes in the project proposed by the sponsor or required by the agency.

- d. If the DRBC finds it necessary to consider removal or modification of a project in the Comprehensive Plan, the DRBC will notify the State agency concerned in writing, and provide an opportunity for the agency to submit its recommendations with respect to such proposed removal.
- e. At the time of including a project in the Comprehensive Plan, the DRBC will condition its approval of the project upon satisfactory compliance with the requirements of the State agency concerned, and the issuance of such approvals as may be required from such agency, and may impose such additional conditions as may be necessary to protect the integrity of the Comprehensive Plan or to assure the development and completion of the project in accordance with the Plan.
- f. The State agency will instruct the sponsor of a public project to provide the information required by Section 2-2.3 of the Rules of Practice and Procedure of the DRBC, for inclusion of the project in the "A" list of the Water Resources Program as soon as the project has been developed sufficiently to provide such information. If, at the time that the DRBC includes the project in the "A" list, such information will not become available until the final approval of the project by the State agency, the DRBC will condition its approval of the project upon satisfactory compliance with the requirements of the State agency concerned, and the issuance of such approvals as may be required from such agency, and may impose such additional conditions as may be necessary to protect the integrity of the Comprehensive Plan or to assure the development and completion of the project in accordance with the plan.
- g. At any time after the State agency has finally approved a project, the DRBC may include it in the "A" list of its Water Resources Program adopted thereafter.
- h. Information provided in this section need not be duplicated in future submissions for purposes of 3.8 approval.

4. Review of Final Plans and Referral by State Agencies.
As to all projects, other than exempt projects, the WRC, DE, DPW and DC will review such projects after final planning and refer

them to the DRBC in accordance with Sections B, C, D, and E, respectively, of this Agreement.

5. Line of Communications. All first communications and all establishment of new policy or proposed alterations to existing policy will be directed to the Chairman of the New York State Water Resources Commission. All transfer of information or other official communications between a State agency and the Delaware River Basin Commission will be documented by providing the Chairman of the New York State Water Resources Commission with a copy of the letter or covering letter.

6. Access by the DRBC to Data and Information. Nothing herein shall limit access by the DRBC to other data and information necessary to determine whether proposed projects may substantially impair or conflict with the comprehensive plan.

B. Projects Subject to Review by the WRC.

1. Initiation of Review. As to any project, other than an exempt project, the WRC will receive each such project for its own review and on behalf of the DRBC. The application received on behalf of the DRBC shall include the following:

- a. All exhibits as required by Section 2-3.8(a) of the Commission's Rules of Practice and Procedure.
- b. Copies of all approvals or permits issued by other State or Federal agencies.

In the event that an applicant should make first inquiry to the DRBC, the DRBC will direct the applicant to the WRC for the initiation of review proceedings.

2. Action by WRC. The WRC will review the project in accordance with its established procedure and any decision of approval of such project will be issued subject to the following condition:

"This approval by the WRC is subject to the granting of any approval by the DRBC which may be required under the provisions of the Compact."

3. Transfer of Information. The WRC will immediately send to the DRBC a copy of the WRC decision for each such project that the WRC approves.

C. Projects Subject to Review by the DH.

1. Initiation of Review. As to any project, other than an exempt project, the DH will receive such project for its own

review and on behalf of the DRBC. The application received on behalf of the DRBC shall include the following:

- a. All exhibits as required by Section 2-3.8(a) of the Commission's Rules of Practice and Procedure.
- b. Copies of all approvals or permits issued by other State or Federal agencies.

In the event that an applicant should make first inquiry of the DRBC, the DRBC will direct the applicant to the DH for the initiation of review proceedings. The DH will conduct its usual review and examination of plans submitted.

2. Approval by DH. Upon approval by the DH of a non-exempt project, the DH will issue a permit to discharge sewage or wastes into the waters of state subject to the following condition, among others:

"This approval by the DH is subject to the granting of any approval by the DRBC which may be required under the provisions of the Compact."

3. Transfer of Information. Upon granting a permit to discharge, the DH will send to the DRBC a copy of the permit, together with copies of pages 1, 2 and 3 of the "Technical Review of Plans and Specifications" concerning "Project Data" and "Treatment Plant General Features" completed by the DH staff.

4. Sewage Treatment Plant Inventory. Upon completion by the DH of its first sewage treatment plant inventory report, following completion of plant construction, the DH will transmit a copy of such report to the DRBC.

D. Projects Subject to Review by the DPW.

1. Initiation of Review. As to any project, other than an exempt project, the DPW will receive each such project for its own review and on behalf of the DRBC. The application received on behalf of the DRBC shall include the following:

- a. All exhibits as required by Section 2-3.8(a) of the Commission's Rules of Practice and Procedure.
- b. Copies of all approvals or permits issued by other State or Federal agencies.

In the event that an applicant should make first inquiry to the DRBC, the DRBC will direct the applicant to the DPW for the initiation of review proceedings. The DPW will require the applicant to submit one (1) extra set of plans and specifications for transmittal to the DRBC.

2. Action by DPW. The DPW will review the project in accordance with its established procedure and will stamp the plans (submitted by the applicant), which meets its requirements, with its usual stamp of approval. In addition, the DPW will place a second stamp on such approved plans reading as follows:

"This approval by the DPW is subject to the granting of any approval by the DRBC which may be required under the provisions of the Compact."

3. Transmittal of Information. The DPW will immediately send to the DRBC one (1) set of approved plans and specifications for each project it approves.

E. Projects Subject to Review by the DC.

1. Initiation of Review. As to any project, other than an exempt project, the DC will receive each such project for its own review and on behalf of the DRBC. The application received on behalf of the DRBC shall include the following:

- a. All exhibits as required by Section 2-3.8(a) of the Commission's Rules of Practice and Procedure.
- b. Copies of all approvals or permits issued by other State or Federal agencies.

In the event that an applicant should make first inquiry to the DRBC, the DRBC will direct the applicant to the DC for the initiation of review proceedings. The DC will require the applicant to submit one (1) extra set of plans and specifications for transmittal to the DRBC.

2. Action by DC. The DC will review the project in accordance with its established procedure and upon approval of the project by the DC, will issue a permit to the sponsor. The DC will include in its permit a statement as follows:

"This approval by the DC is subject to the granting of any approval by the DRBC which may be required under the provisions of the Compact."

3. Transfer of Information. Upon approval of a project, the DC will immediately send a copy of the permit issued by the DC, together with the extra set of plans and specifications (see E.1 above) to the DRBC.

F. Hearings, Final Approval and Amendment.

1. Public Hearings. Whenever the State agency is required or permitted by law to conduct hearings with respect to any

project subject to review by the DRBC, the State agency will promptly advise the DRBC of its intention to conduct such hearings and of the time and place for which they may be scheduled.

The DRBC will promptly advise the State agency of any hearing scheduled to be conducted pursuant to Section 2-3.10 of the Regulations.

If transcripts are made of a public hearing by either party thereto, it will furnish a copy to the other.

2. Final Review and Approval by DRBC. Upon the basis of information received from a State agency, together with such additional information as may be required, the DRBC will review the project as fully developed. Such final approval may be granted in accordance with Section 3.8 of the Compact, or as incident to the project being placed on the "A" list of the annual Water Resources Program of the DRBC as provided for in the Rules of Practice and Procedure.

3. Notification. Immediately following action by the DRBC, the applicant and the State agency will be furnished with a copy of the docket decision. Each docket decision will plainly state that it does not determine any matters within the jurisdiction of any other State or Federal agency pursuant to law, and that the applicant is not in any way relieved by the DRBC's action of the necessity to abide by such additional approvals as may be required by law.

4. Additional Projects. (a) Where an initial inquiry is made to a State agency, and it is determined that the project is not subject to that agency's jurisdiction or review, the agency will promptly refer the applicant directly to the DRBC if the project may require review under Section 3.8 of the Compact. For purposes of information, the types of projects falling under the jurisdiction of the State agencies are listed in the Appendix to this Agreement.

5. Amendment and Termination. This Agreement may be amended at any time by mutual agreement of the parties, and may be terminated by either party upon thirty days' notice in writing to the other party.

6. Effective Date. This Agreement shall take effect upon its execution by both parties.

IN WITNESS WHEREOF, the DRBC through its duly authorized Executive Director, and the WRC, through its Chairman, as authorized by the Compact and the laws of the signatory party, have executed this Agreement by affixing their respective signatures thereto this 22nd day of June, 1965.

ATTEST:

Robert A. Cook
Robert A. Cook, Secretary

WATER RESOURCES COMMISSION
OF STATE OF NEW YORK

By

H. G. Wilm
H. G. Wilm, Chairman

ATTEST:

James F. Wright

DELAWARE RIVER BASIN COMMISSION

By

James F. Wright
James F. Wright, Executive
Director

APPENDIX

1. Projects falling under the jurisdiction of the DH:
 - a. Sewerage and sewage disposal systems.
 - b. Industrial waste disposal systems.

2. Projects falling under the jurisdiction of the WRC:
 - a. Public water supply projects.
 - b. Intermunicipal water supply planning.
 - c. Regional multipurpose planning.
 - d. Flood control.

3. Projects falling under the jurisdiction of the DPW:
 - a. Dams.
 - b. Docks.
 - c. Highways and bridges.

4. Projects falling under jurisdiction of the DC:
 - a. Change or modification of stream courses.
 - b. Removal of sand or gravel from bed or banks of streams.



STATE OF NEW YORK
DEPARTMENT OF HEALTH
84 HOLLAND AVENUE
ALBANY, NEW YORK 12208

DIVISION OF PURE WATERS

PAUL W. EASTMAN, P.E.
ASSISTANT COMMISSIONER

BUREAU OF
ENGINEERING DESIGN
FRANK O. BOGEDAIN, P.E.
DIRECTOR

February 18, 1970

518-474-2121

Mr. Theodore Briganti
Delaware River Basin Commission
P. O. Box 360
Trenton, New Jersey 08603

Dear Mr. Briganti:

Pursuant to our phone conversation today, the following procedure will be followed for projects that lie within the Delaware River Drainage Basin:

1. Upon completion of review and our acceptance of the Wastewater Facilities Report, a copy of this report will be forwarded to the Delaware River Basin Commission. If acceptable to the Commission such acceptance will be indicated by notification (by the Commission) that the project will be made a part of the Delaware Basin comprehensive plan.
2. Upon completion of review of final plans and specifications the New York State Department of Health will forward to the Delaware River Basin Commission the following documents:
 - a) first three (3) pages of Form San 65;
 - b) a general layout and hydraulic profile of the proposed facilities;
 - c) letter of technical acceptance of final plans and specifications (which will include a paragraph indicating that our permit will not be issued until the Delaware River Basin Commission has issued its approval).
3. A copy of the formal State Health Department Permit to Construct, when issued, will be forwarded to the Delaware River Basin Commission. Since FWPCA authorization to award contract is not granted until they receive DRBC approval, such issuance of permit to construct is indication that DRBC has approved the project.

The above is intended to clarify the picture relative to acceptance of sewerage projects within the Delaware River Basin. Any comments, corrections, or further clarification on your part will be most welcome.

Very truly yours,

Warren Schlickerieder, P.E.
Chief, Sewage Facility Section
Bureau of Engineering Design

RECEIVED
DELAWARE RIVER
COMMISSION
FEB 22 3 53 AM '70
OPERATIVE
SECTION

New York State Department of Environmental Conservation

11 South Platt Corners Road, New Paltz, New York 12561
914-255-5453 Extension 39



Robert F. Flucke
Commissioner

October 9, 1980

RE: Delaware River Basin Commission
Plan Review Function

TO WHOM IT MAY CONCERN:

As a result of some communication between this office and the Delaware River Basin Commission (D.R.B.C.), we have become aware of certain obligations of the Commission.

In the interest of expediting the review process, it is hereby requested that any project designed to discharge 50,000 gallons per day or more of effluent to the Delaware River drainage basin, have a copy of the plans submitted to:

David B. Everett, P.E.
Supervising Civil Engineer
Delaware River Basin Commission
Post Office Box 7360
Trenton, New Jersey 08628

in addition to the plans normally submitted to this office.

We will attempt to coordinate our review procedure with the D.R.B.C., so as to reduce any possible delays. To this end, we will copy our review and comment letters to Mr. Everett.

Should you have any questions regarding this matter, please feel free to contact either myself at the above number or Mr. Everett at 609-883-9500.

Yours truly,

John S. Sansalone, P.E.
Senior Sanitary Engineer
Region 3

JSS:dn-h

cc: P. Keller
C. Manfredi
D. Everett
M. Wang



STATE OF NEW YORK
DEPARTMENT OF HEALTH
ALBANY

April 20, 1965



Dear Harold:

The proposals in your letter of April 2 concerning the state's relationship to the Delaware River Basin Commission make good sense. The new version of the administrative agreement is acceptable to me. Mr. Wright's letter to Governor Rockefeller can be received as a declaration of general intent. I am sure that the provisions of the agreement can guide the maximum utilization of the state's staff resources by the Commission in the important work of moving ahead with the comprehensive plan for the Basin.

Sincerely yours,

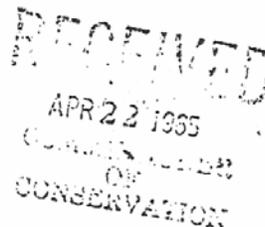
Hollis S. Ingraham, M.D.
Commissioner of Health

Dr. Harold G. Wilm
Commissioner
New York State Conservation Department
State Campus
Albany, New York 12226

Copy to Mr. [unclear]

Wilm:

Please enclose the agreement.



New York State Department of Environmental Conservation
21 South Putt Corners Road, New Paltz, New York 12561
914-255-5453 Extension 39



Robert F. Flacke
Commissioner

October 9, 1980

David B. Everett, P.E.
c/o D.R.B.C.
Post Office Box 7360
Trenton, New Jersey 08628

Re: Plan Review

Dear Mr. Everett:

As a result of your letter of September 24th, and our subsequent telephone conversation, the enclosed letter has been sent to various engineering concerns practicing in Sullivan County. I am also enclosing a copy of our "Standards for Waste Treatment Works-- Institutional and Commercial Sewerage Facilities."

I hope this arrangement shall prove successful for both of our agencies. Please let me know if you have any further comments.

Yours truly,

John S. Sansalone, P.E.
Senior Sanitary Engineer
Region 3

JSS:dn-h

enc.

cc: P. D. Keller
C. Manfredi