

STATE OF NEW YORK  
DEPARTMENT OF  
ENVIRONMENTAL  
CONSERVATION

EMERGENCY  
DECLARATION  
AND FINDING PURSUANT TO  
ECL 70-0111(d) AND 70-0116

IN THE MATTER OF DAMAGE CAUSED BY THE SUMMER STORM ACTIVITY OF JULY 9-10,  
2023

WHEREAS, heavy rains and flash flooding caused by the thunderstorm activity on July 9-10, 2023 has resulted in widespread damage to structures in multiple counties throughout the state; and

WHEREAS, ECL 70-0111(d) (as implemented by 6 NYCRR 621.14[c]) provides for the issuance of general permits, valid for a specified duration of time, following natural disasters or extraordinary weather not unique to a particular locality when numbers of individuals undertake similar types of projects that are of a remedial nature; and

WHEREAS, ECL 70-0116 (as implemented by 6 NYCRR 621.12) allows the Department to give an emergency authorization for an action normally requiring a permit; and

WHEREAS, these provisions require a written statement of necessity and a finding of emergency in order to be implemented; and

WHEREAS, municipalities, public utilities, and individuals must, as a result of the impacts of flooding, repair infrastructure and structures on and over waterways, restore waterway channel capacity, and perform other activities necessary to restore normal living conditions;

NOW, THEREFORE, I, Basil Seggos, Commissioner of the New York State Department of Environmental Conservation, consistent with the findings set forth above, and pursuant to the authority vested in me by Articles 1, 3 and 70 of the Environmental Conservation Law of the State of New York, do hereby make a finding of necessity and declare that an emergency situation exists in the counties of Albany, Broome, Cayuga, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Orange, Oswego, Otsego, Putnam, Rensselaer, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, and Yates in DEC Regions 3, 4, 5, 6, 7 and 8 as a result of the damage that was caused by the flash flooding that occurred on July 9-10, 2023.

FURTHER, I authorize the Regional Permit Administrators of DEC Regions 3, 4, 5, 6, 7 and 8 to issue general permits pursuant to ECL 70-0111(d) or emergency authorizations pursuant to ECL 70-0116 in affected areas within such regions where, in the Department's judgment, activities necessary to perform cleanup and restoration work is immediately required, subject to appropriate conditions; and I also authorize the Regional Directors of Regions 3, 4, 5, 6, 7 and 8 to delegate authority for the issuance of such permits to appropriate Regional staff.

FURTHER, nothing in this emergency declaration and finding shall be construed to preempt, diminish, or in any way affect local statutes or regulations on the subject of protection of waters, solid waste disposal or any other permits necessary under the Environmental Conservation Law.

FURTHER, pursuant to 6 NYCRR 617.5(c)(42), I declare that such actions taken as a result of the emergency shall be exempted from the requirements of Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617.

FURTHER, authorization for the issuance of general permits pursuant to ECL 70-0111(d) in response to the emergency created by flash flooding that occurred on July 9-10, 2023, shall expire on June 30, 2024 unless further extended by me.

FURTHER, general permits issued pursuant to ECL 70-0111(d) shall expire no later than September 30, 2024, unless further extended by me.



Basil Seggos  
Commissioner

Dated: Albany, New York  
July 10, 2023