

Revised Rural Area Flexibility Analysis

6 NYCRR Part 830

Lake Champlain Drainage Basin

1. Types and Estimated Numbers of Rural Areas

The rule applies to all towns and villages in rural areas of Clinton, Essex, Franklin, Warren, and Washington Counties, New York that have municipal wastewater treatment plants (“WWTPs”) or businesses that discharge treated sanitary wastewater to waterbodies upgraded in classification.

2. Reporting, Recordkeeping and Other Compliance Requirements, and Professional Services

Within the rural areas of the Lake Champlain drainage basin, all but one wastewater treatment facility that discharges to waters being reclassified can currently meet the water quality requirements of the revised classifications. As such, there may be professional engineering services needed for this facility. Otherwise, this rulemaking would not impose any reporting, recordkeeping, or other compliance requirements.

3. Costs

As mentioned above and in the regulatory impact statement, there may be a regulatory impact to one SPDES-permitted facility, a campground, which may need to modify its wastewater treatment to meet a revised effluent limit for ammonia due to the reclassification of a stream in this drainage basin. Estimated costs to this facility are approximately \$10,000 to \$50,000, depending on the method of compliance. There may be additional annual costs of up to \$500 per

year for operation and maintenance. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

4. Minimizing Adverse Impact

In developing this rulemaking, consideration was given to approaches that would minimize adverse impacts in rural areas such as differing requirements, outcome standards, and potential exemptions from coverage. Given the nature of this rule, and in order to adequately protect the waters of the State and to meet the requirements of federal law, differing requirements or potential exemptions for rural areas were not feasible. However, for the one potentially impacted facility mentioned above, multiple potential methods of compliance were identified. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.

5. Rural Area Participation

DEC has complied with the State Administrative Procedure Act § 202-bb (7) by providing the public in rural areas with the opportunity to participate in the rulemaking process. The Department has informed the public about the proposed rule through the DEC website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. DEC held both a public information meeting and a public hearing within the Lake Champlain drainage basin. The public had the opportunity to comment on the proposed rule by attending the public hearing or by submitting written comments to the Department. The potentially affected facility has been notified of this potential impact and DEC staff have engaged the facility to find a cost-effective solution.