



Department of
Environmental
Conservation

*****Disclaimer: This roadmap demonstrates an overview of the NYS Department of Environmental Conservation's environmental permitting process, with a focus on treated wastewater reuse projects. Requirements and timelines may diverge from what is shown here based on project-specific characteristics. Additionally, the roadmap is not intended to address all potential site-specific concerns that may be faced during the permitting process, which may affect projects in Federal and/or State [Regulated and/or Protected Areas](#), [New York Natural Heritage Program Areas](#), [Potential Environmental Justice Areas](#), or other areas of concern*****

Continue

****Click on any box to learn more information****

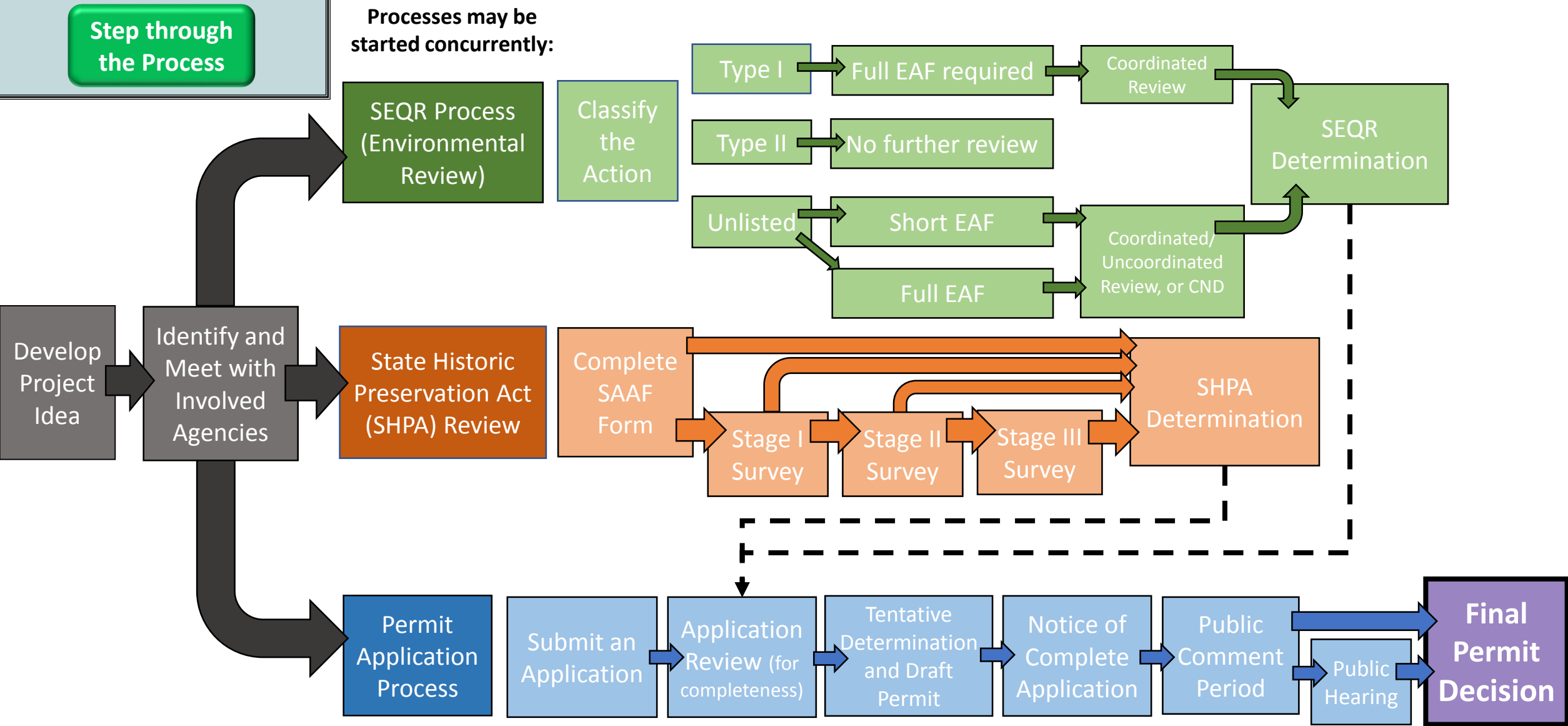
OR

Step through the Process

Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



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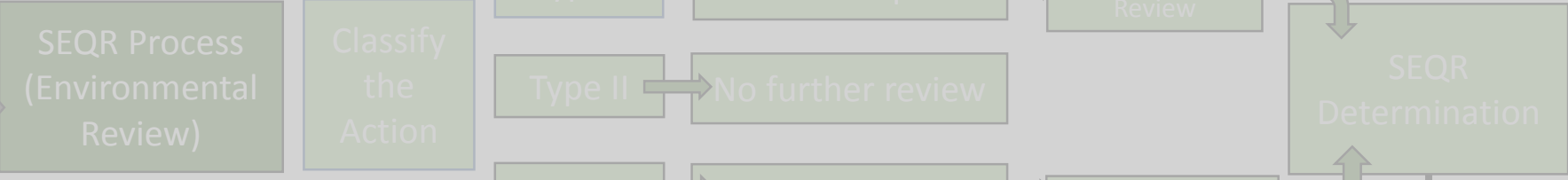
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Treated Wastewater Reuse Roadmap

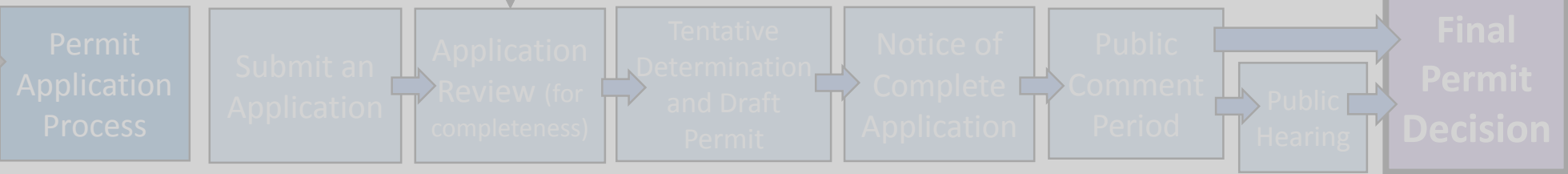
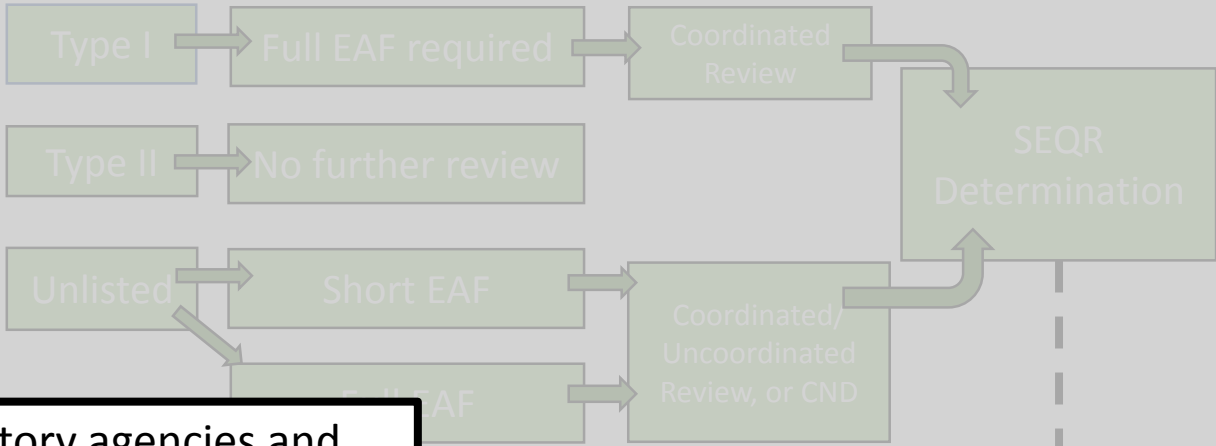
Regulatory Process for DEC Permits

Processes may be started concurrently:



Develop Project Idea

In order to begin determining which regulatory agencies and permitting processes may be involved, the project idea must be sufficiently developed. This may mean meeting with an engineering or design firm to develop a conceptual plan and determine the scope and location of the project.



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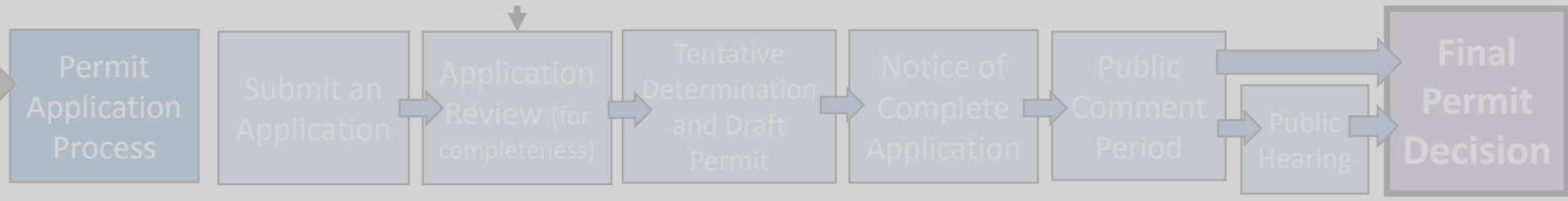
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



An initial meeting with state/local [regulatory agencies](#) that will likely have [jurisdiction](#) over aspects of project is highly recommended for treated wastewater reuse projects. At minimum, conceptual plans and location maps should be prepared prior to this meeting to aid the discussion. Because DEC regulates discharges from Wastewater Treatment Plants through the SPDES program, they should be included in the process at this point, and the health department should be contacted to ensure that public health issues related to reusing treated effluent are addressed.



NYS DEC Region 1 Contacts		
Division of Environmental Permits (for SEQR, SHPA, and Permits questions)	Regional Permit Administrator, Roger Evans	631-444-0365
Division of Water	Regional Water Engineer, Anthony Leung	631-444-0419
Division of Materials Management	Materials Management Engineer, Syed Rahman	631-444-0375

Suffolk County Contacts		
Department of Health Services	Director of the Division of Environmental Quality Walter Dawydiak	631-852-5800
Department of Public Works	Public.Works@suffolkcountyny.gov	631-852-4010

Nassau County Contacts		
Department of Health	Environmental Health Director, Donald Irwin	516-571-9600
Department of Public Works	Deputy County Executive for Public Works, Brian Schneider , or DPW Commissioner, Ken Arnold	516-227-9723

NYS Department of Health Contacts		
Center for Environmental Health	General Number	518-402-7800
Division of Environmental Health Protection	Director, Roger Sokol	518-402-7500
Bureau of Water Supply Protection	Director, Lloyd Wilson, PhD	518-402-7500
Bureau of Toxic Substance Assessment	Director, Gregg Recer, PhD	518-402-7800

State Historic Preservation Office Contacts		
Division for Historic Preservation	General Number	518-237-8643
Technical Preservation Services Bureau	Technical Staff for Nassau and Suffolk Counties, Olivia Brazee	518-268-2182

Town/City Contacts	
Town of Babylon (Suffolk) Department of Planning and Development	631-957-7414
Town of Brookhaven (Suffolk) Department of Planning and Environment	631-451-6400
Town of East Hampton (Suffolk) Planning Department	631-324-2178
Town of Huntington (Suffolk) Department of Planning and Environment	631-351-3196
Town of Islip (Suffolk) Department of Planning and Development	631-224-5450
Town of Riverhead (Suffolk) Planning Department	631-727-9101
Town of Shelter Island (Suffolk) General Number	631-749-0291
Town of Smithtown (Suffolk) Planning Department	631-360-7540
Town of Southampton (Suffolk) Planning Department	631-287-5735
Town of Southold (Suffolk) Planning Department	631-765-1938
City of Glen Cove (Nassau) Planning Board	516-676-4490
City of Long Beach (Nassau) General Number	516-431-1000
Town of Hempstead (Nassau) Planning and Economic Development	516-538-7100
Town of North Hempstead (Nassau) Dept. of Planning and Env. Protection	516-869-6311
Town of Oyster Bay (Nassau) Planning and Development Department	516-624-6200

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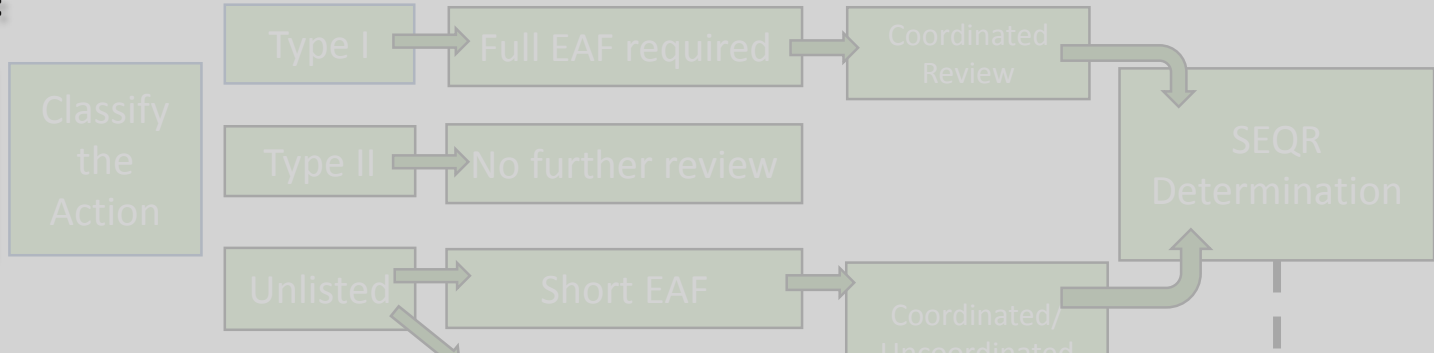
Regulatory Process for DEC Permits

Processes may be started concurrently:

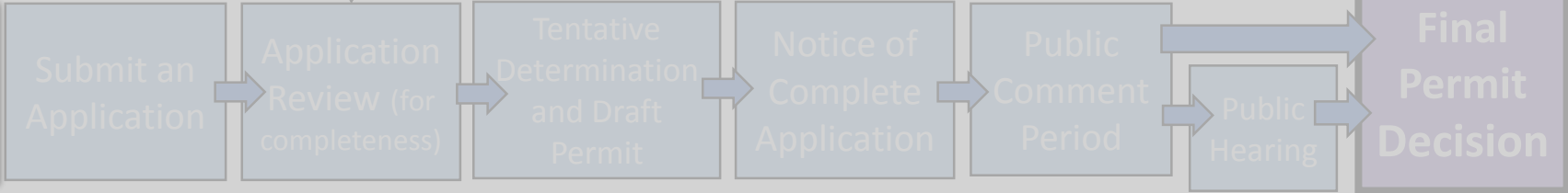
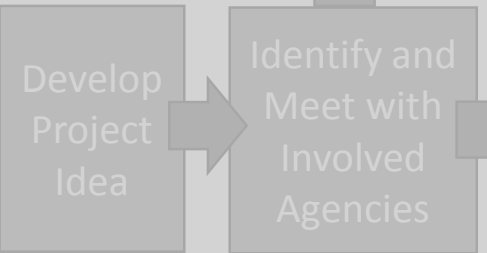
SEQR Process (Environmental Review)

State Historic Preservation Act (SHPA) Review

Permit Application Process



The following steps in the flow chart can be *started* concurrently in most cases, but if you expect that a full environmental review will be necessary, it may be wise to start the SEQR process first, as it will likely be most time-consuming. Applications for DEC permits will not be considered complete without favorable SEQR and SHPA (if necessary) determinations being made first. Further questions on these review processes can be addressed to the Regional Permit Administrator



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Regulatory Process for DEC Permits

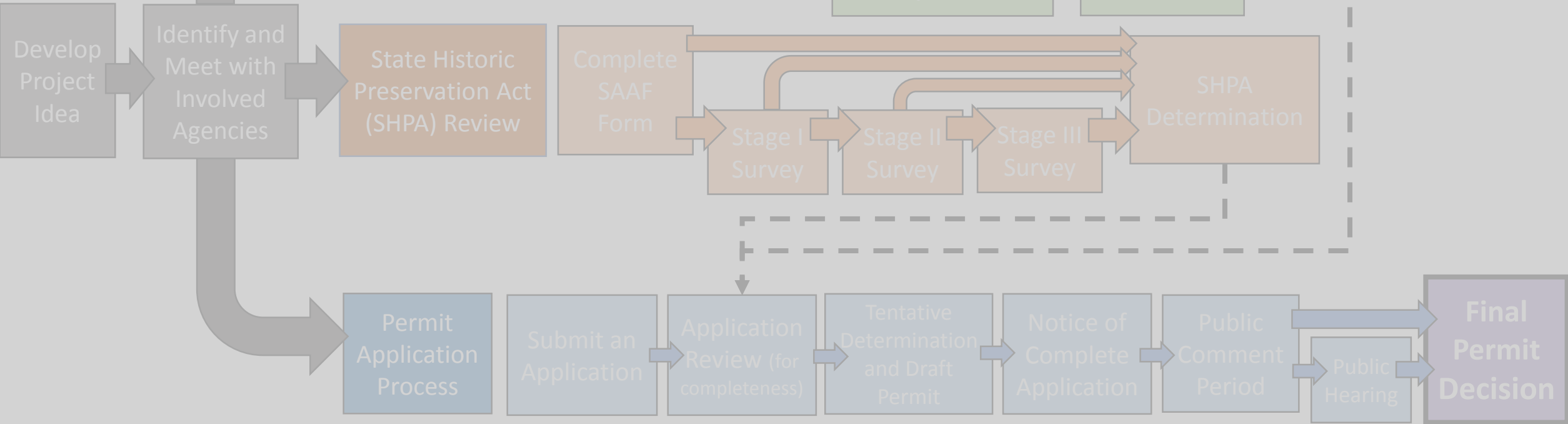
Processes may be started concurrently:

SEQR Process (Environmental Review)

[New York's State Environmental Quality Review Act \(SEQRA\)](#) requires state and local government agencies to consider environmental impacts (along with social and economic factors) during discretionary decision-making. [The SEQR Cookbook](#) is DEC's guide to the process.

SEQR termination

Full EAF → Coordinated/Uncoordinated Review, or CND



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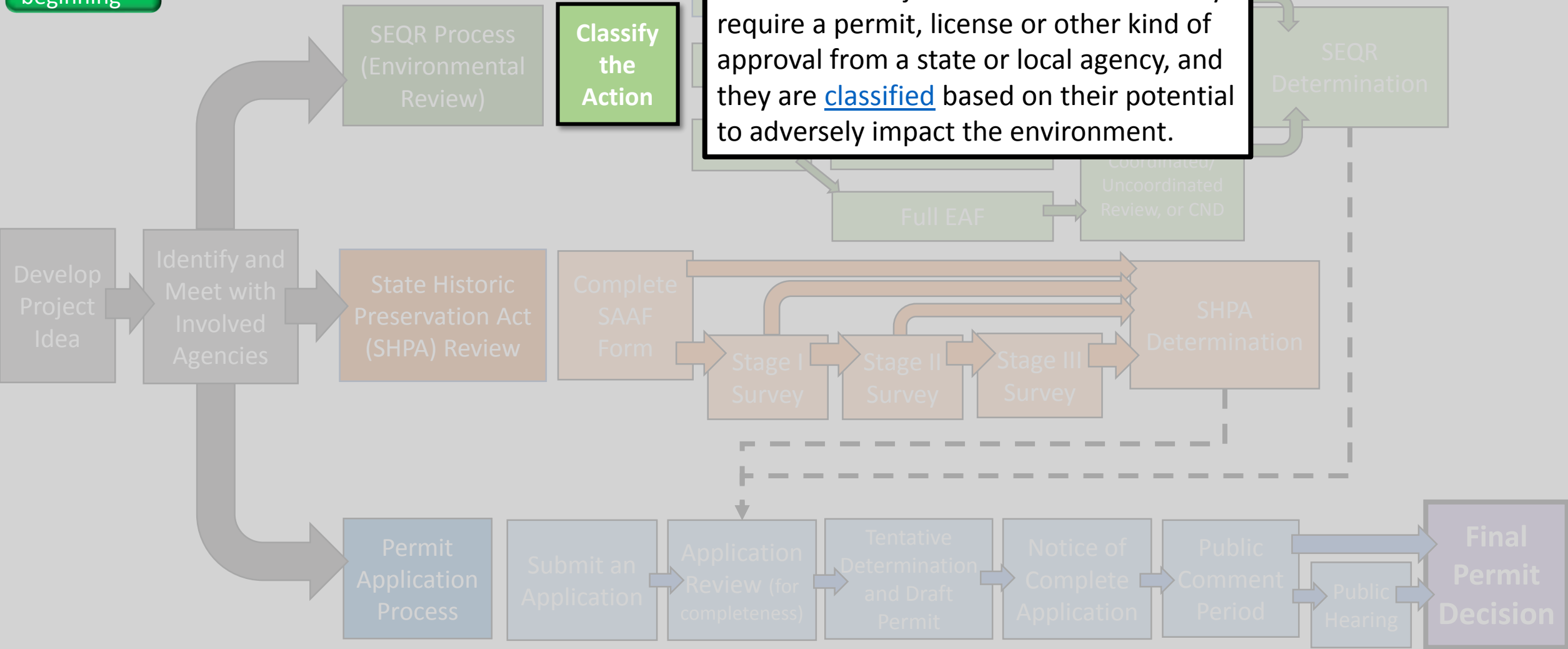
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:

Actions are subject to SEQR review if they require a permit, license or other kind of approval from a state or local agency, and they are classified based on their potential to adversely impact the environment.



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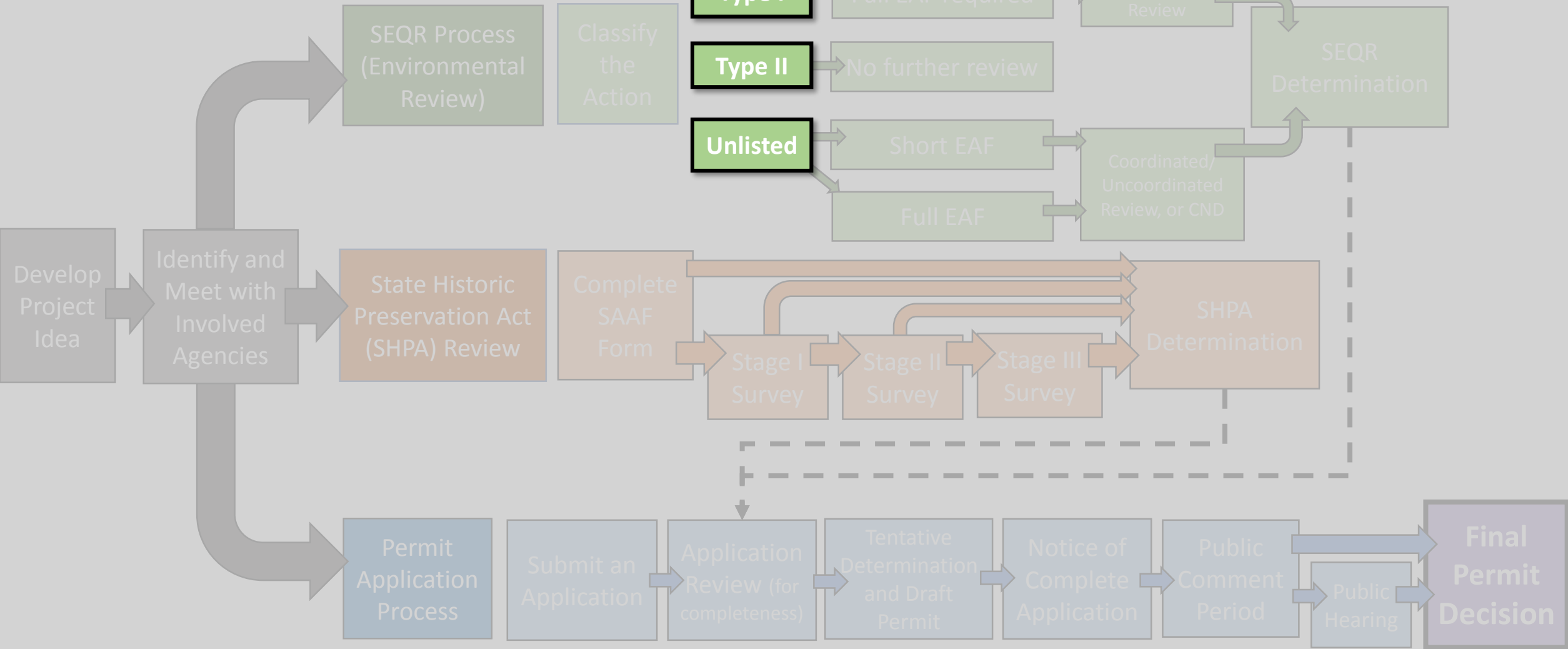
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Treated Wastewater Reuse Roadmap

Regulatory Pathways for DEC Permits

Select a path to follow:

Processes may be started concurrently:



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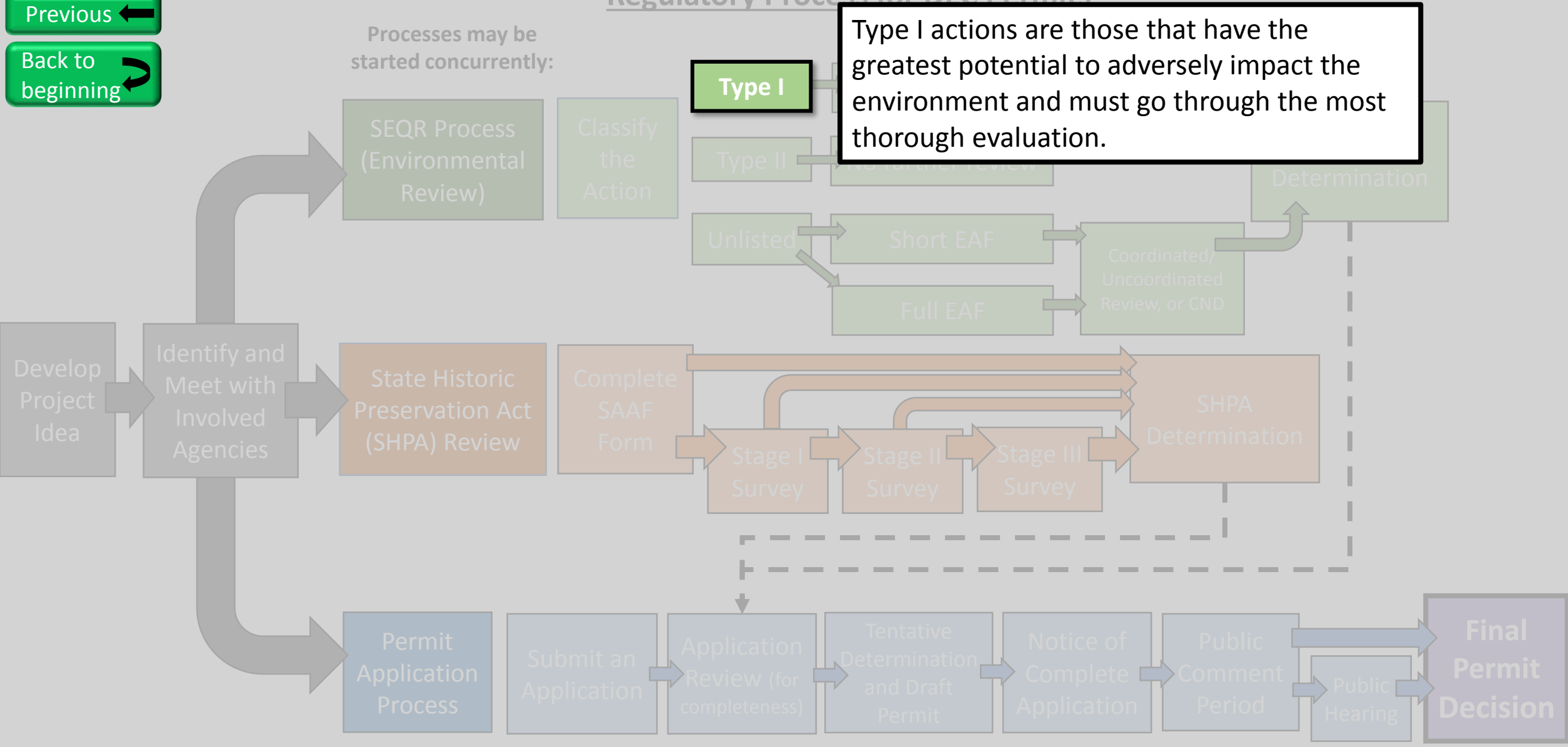
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Type I actions are those that have the greatest potential to adversely impact the environment and must go through the most thorough evaluation.

Processes may be started concurrently:



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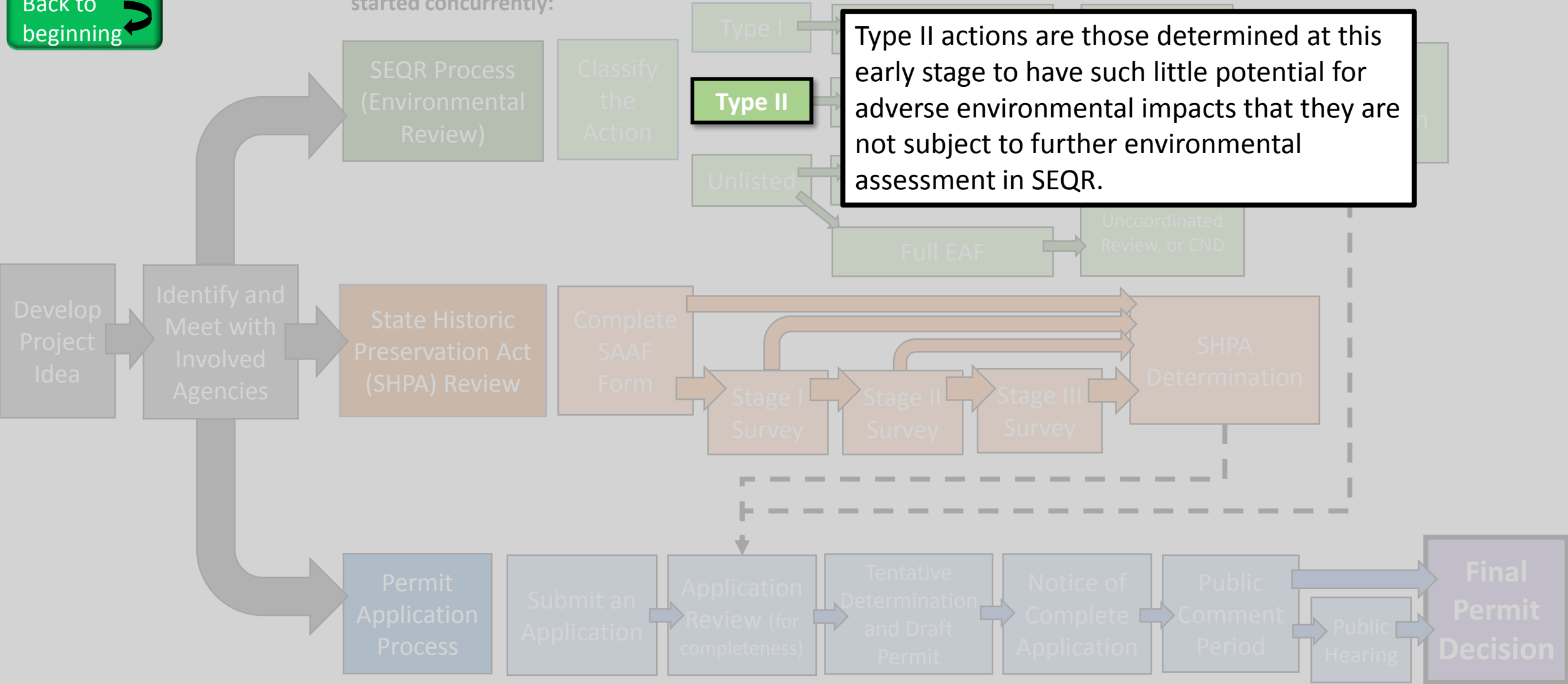
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



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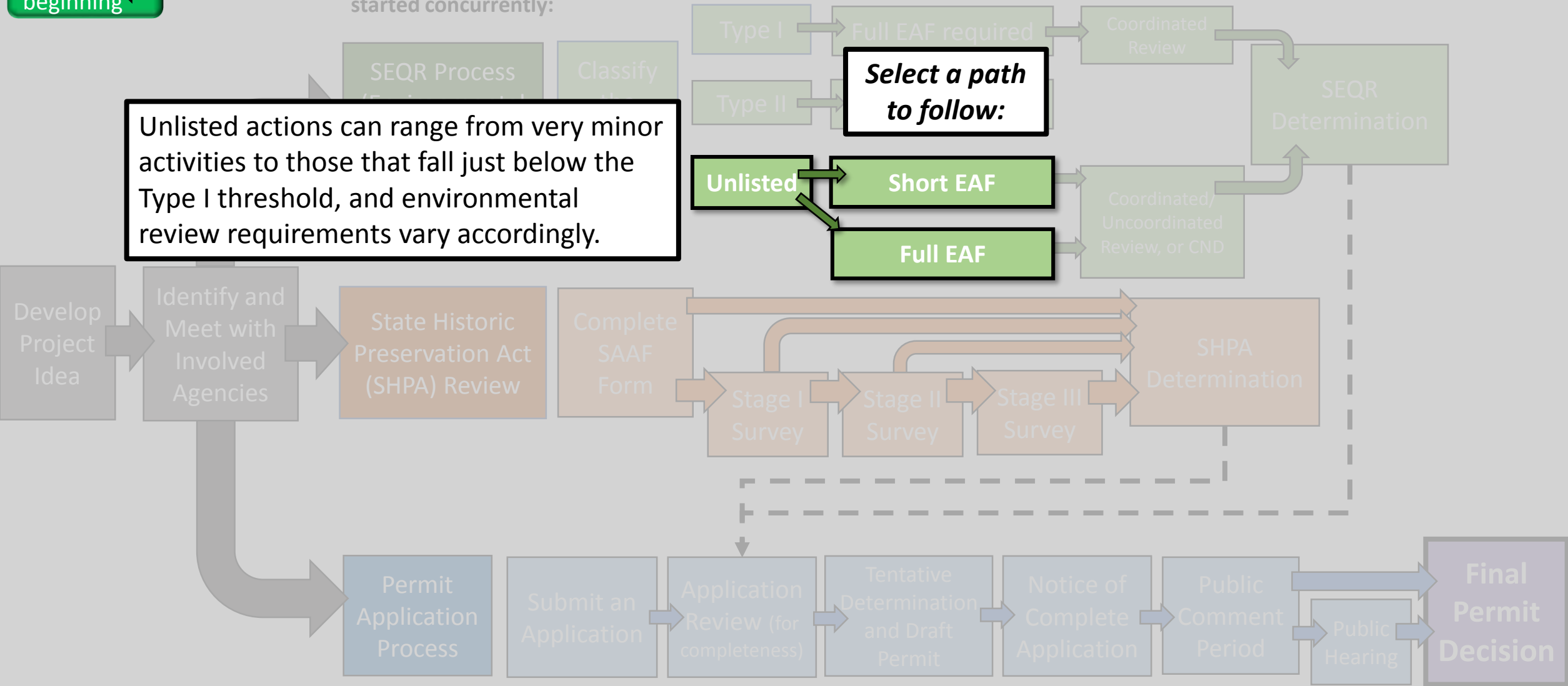
Regulatory Process for DEC Permits

Processes may be started concurrently:

Unlisted actions can range from very minor activities to those that fall just below the Type I threshold, and environmental review requirements vary accordingly.

Select a path to follow:

- Unlisted
- Short EAF
- Full EAF



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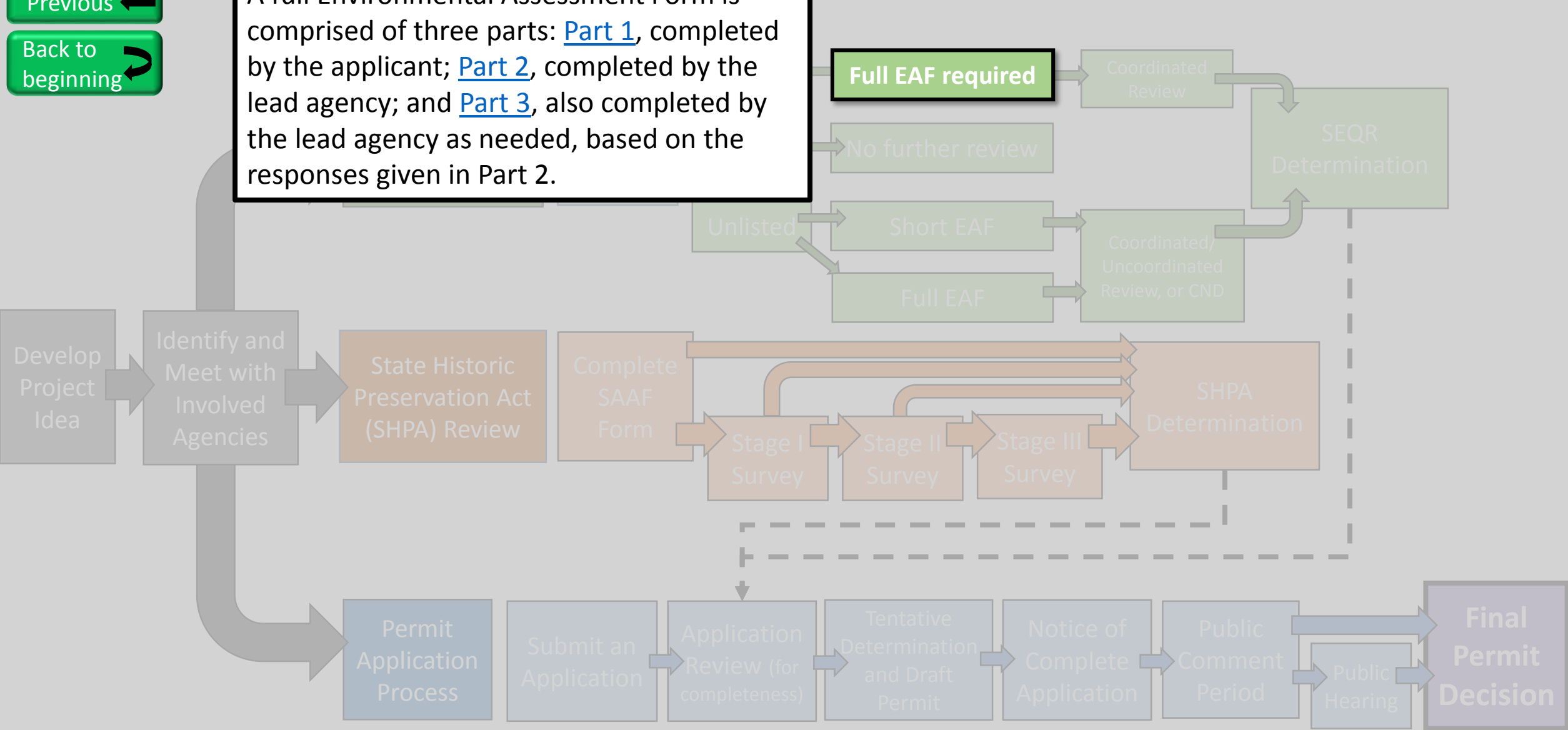
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Treated Wastewater Reuse Roadmap

A full Environmental Assessment Form is comprised of three parts: [Part 1](#), completed by the applicant; [Part 2](#), completed by the lead agency; and [Part 3](#), also completed by the lead agency as needed, based on the responses given in Part 2.

Process for DEC Permits



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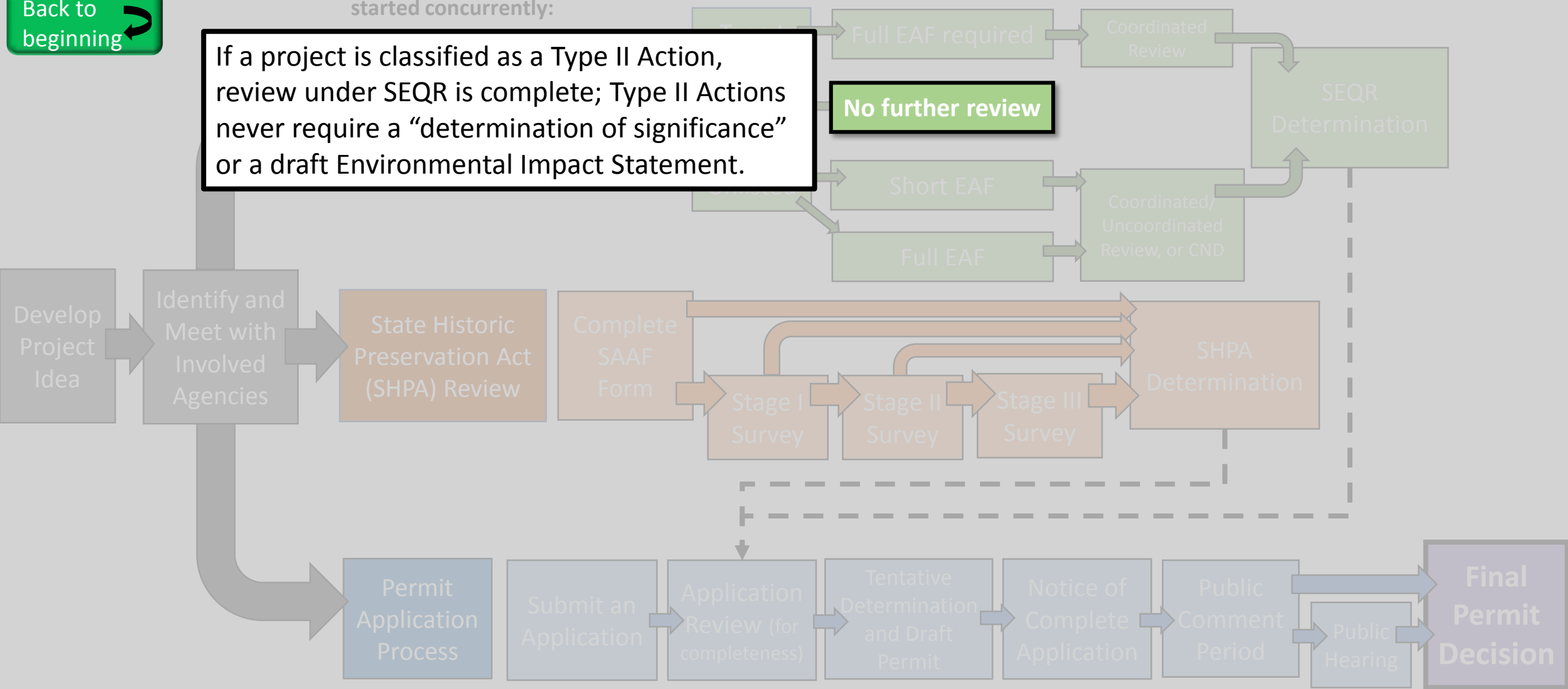
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:

If a project is classified as a Type II Action, review under SEQR is complete; Type II Actions never require a “determination of significance” or a draft Environmental Impact Statement.



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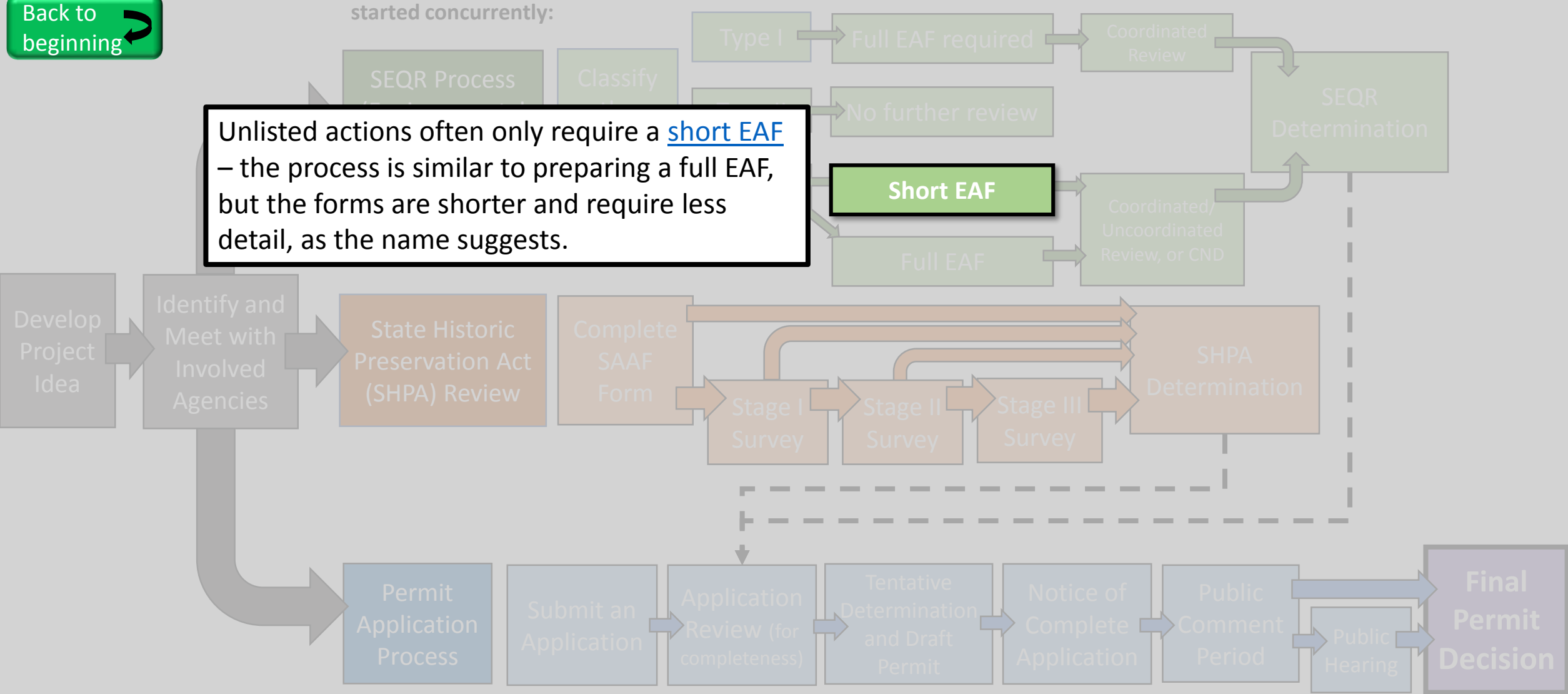
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:

Unlisted actions often only require a [short EAF](#) – the process is similar to preparing a full EAF, but the forms are shorter and require less detail, as the name suggests.



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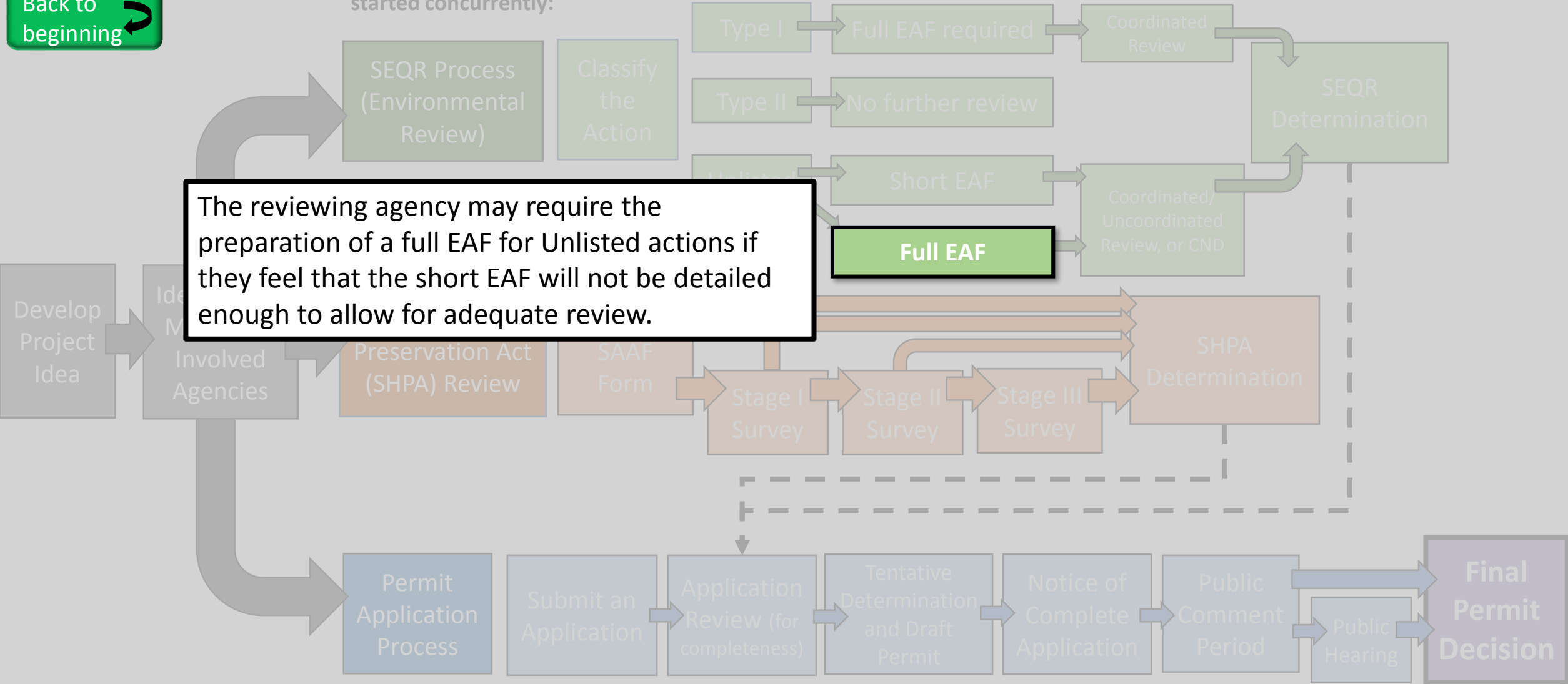
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



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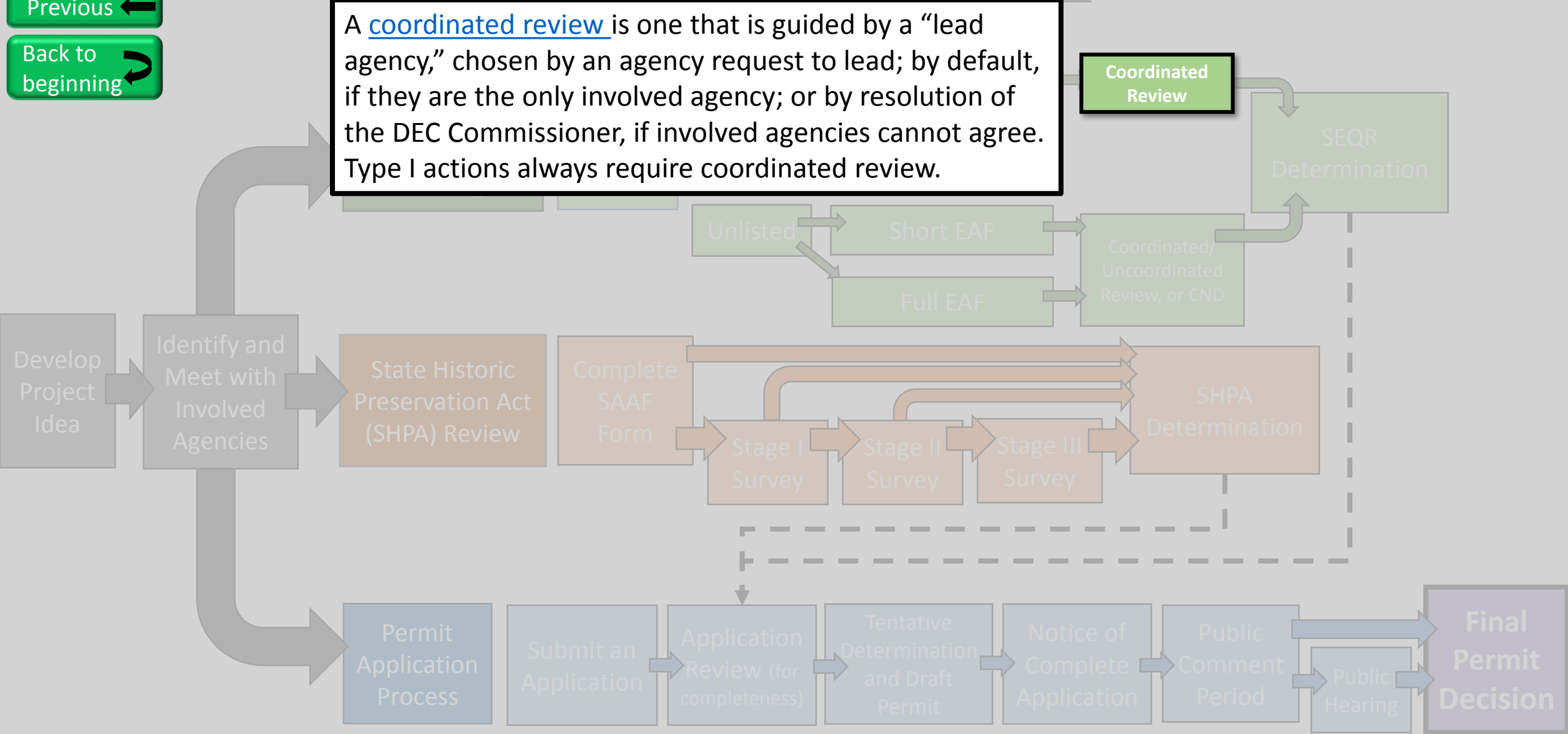
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

A [coordinated review](#) is one that is guided by a “lead agency,” chosen by an agency request to lead; by default, if they are the only involved agency; or by resolution of the DEC Commissioner, if involved agencies cannot agree. Type I actions always require coordinated review.



Final Permit Decision

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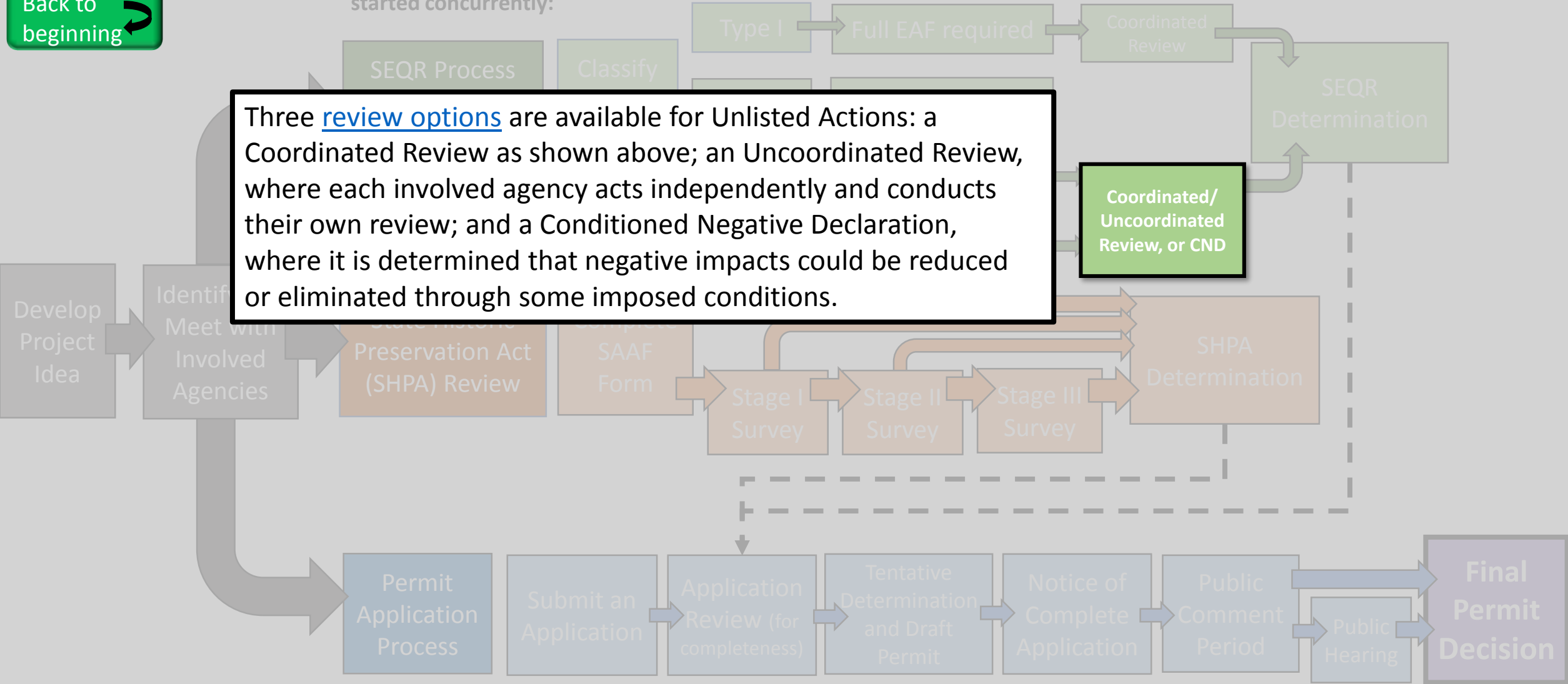
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



Three [review options](#) are available for Unlisted Actions: a Coordinated Review as shown above; an Uncoordinated Review, where each involved agency acts independently and conducts their own review; and a Conditioned Negative Declaration, where it is determined that negative impacts could be reduced or eliminated through some imposed conditions.

Coordinated/
Uncoordinated
Review, or CND

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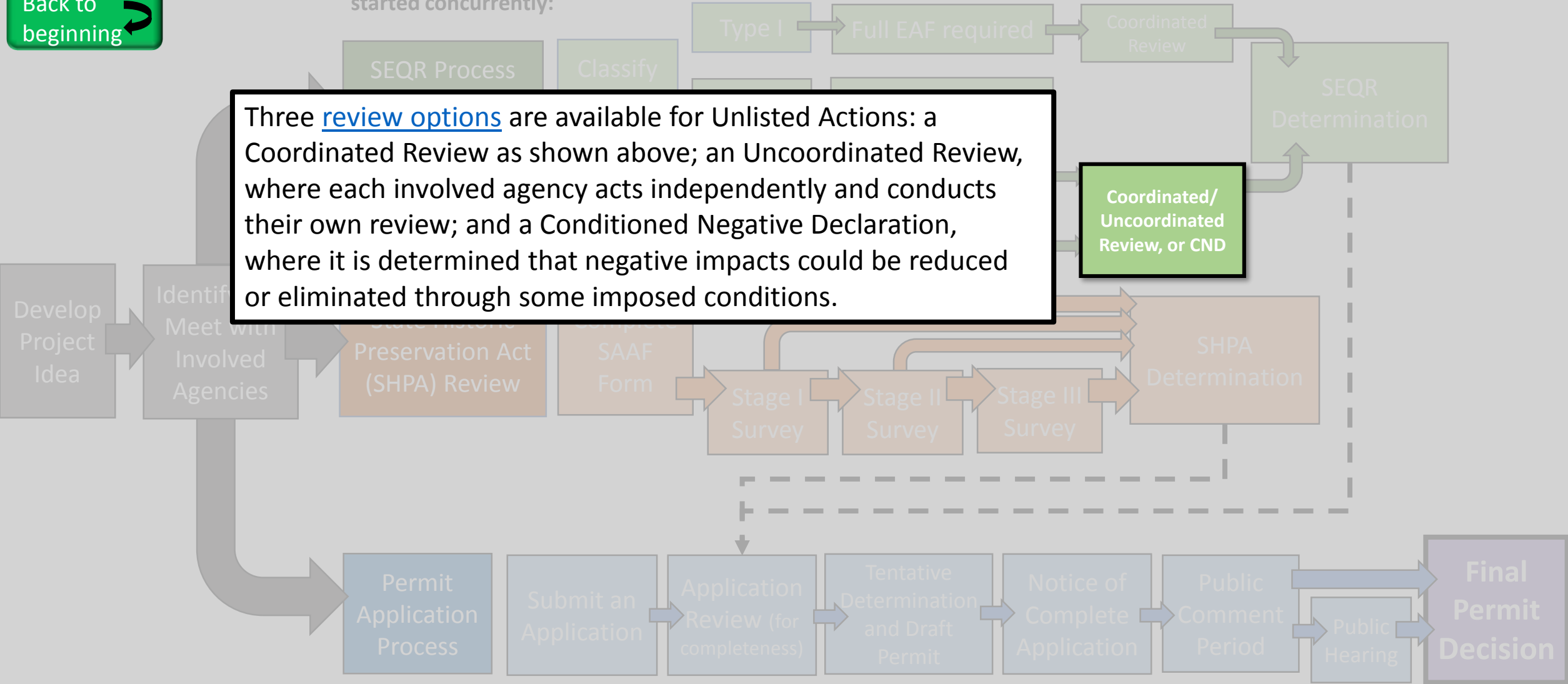
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Coordinated/
Uncoordinated
Review, or CND

Permit Application Process

Submit an Application → Application Review (for completeness) → Tentative Determination and Draft Permit → Notice of Complete Application → Public Comment Period → Public Hearing → Final Permit Decision

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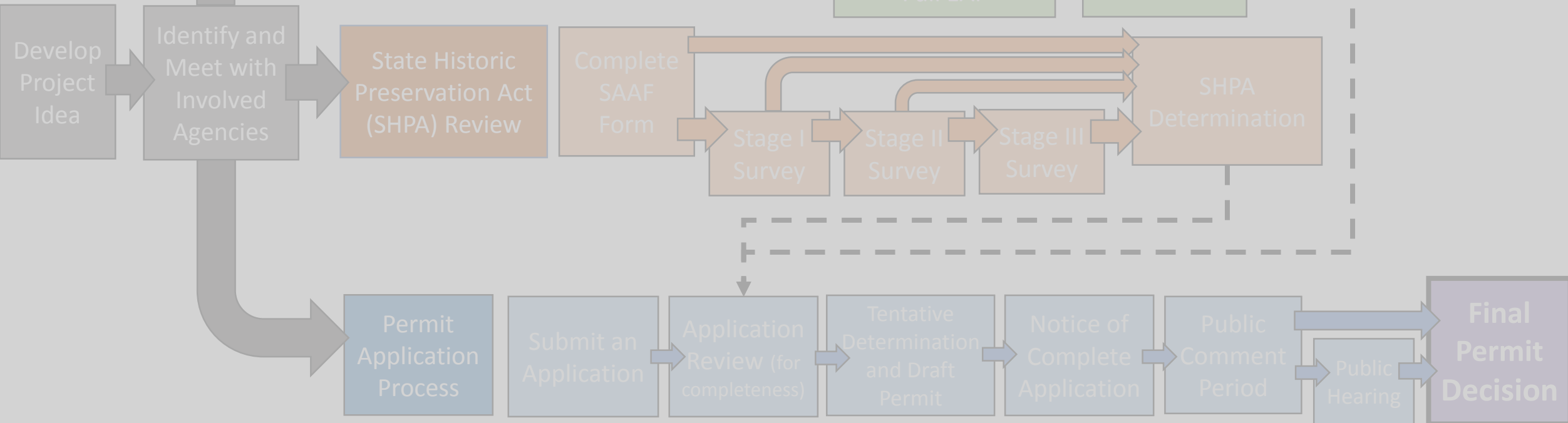
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Determinations of significance must consider the EAF, any other information provided by the applicant, involved agency input, and public input, if any. A negative declaration is issued if the lead agency determines that the action will have no significant adverse environmental impact based on a thorough analysis of relevant environmental concerns. If a negative determination is issued, then the SEQR process is complete, but if a positive declaration is issued, the review process will continue, following the SEQR Path.

SEQR
Determination



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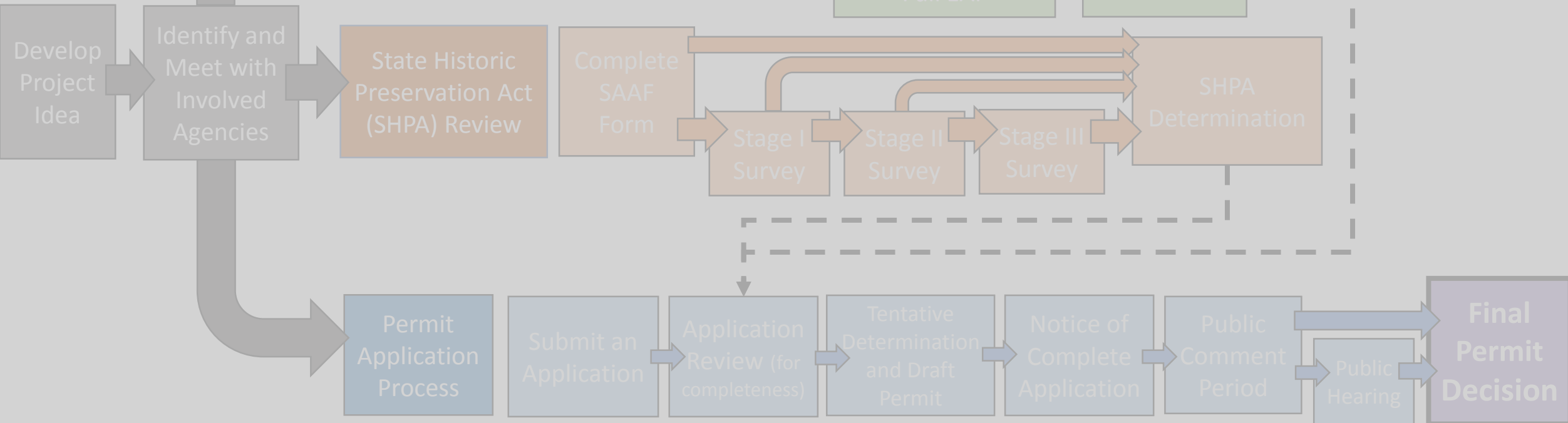
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

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SEQR
Determination



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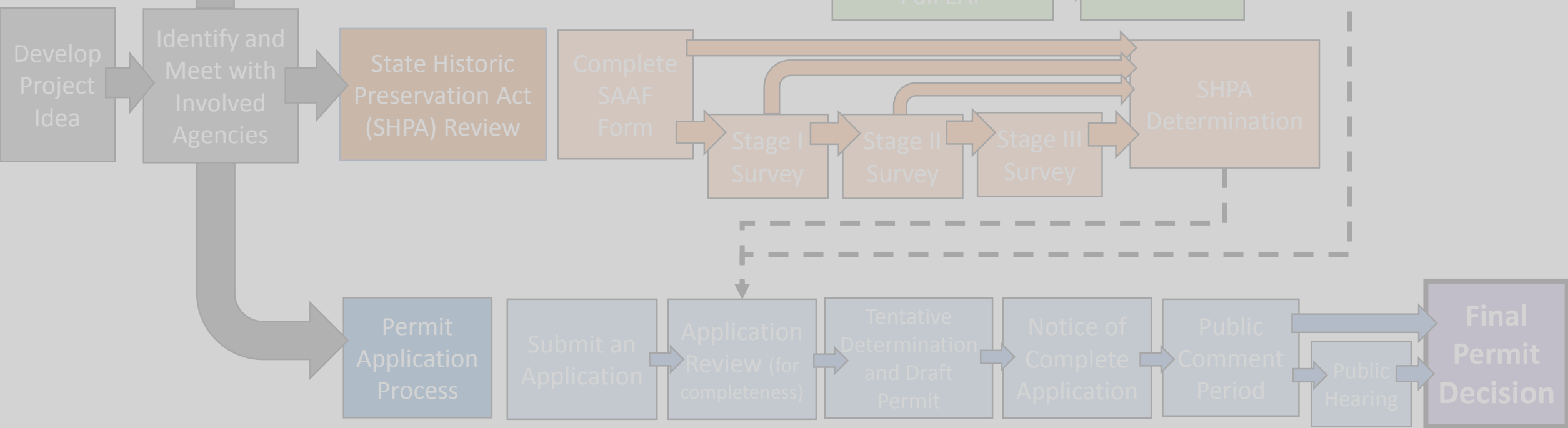
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Regulatory Process for DEC Permits

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SEQR
Determination



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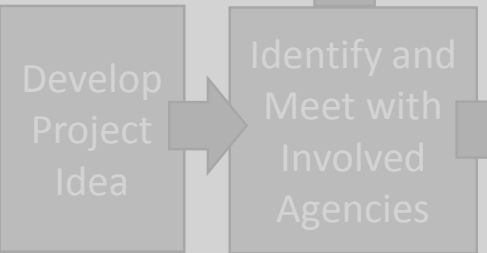
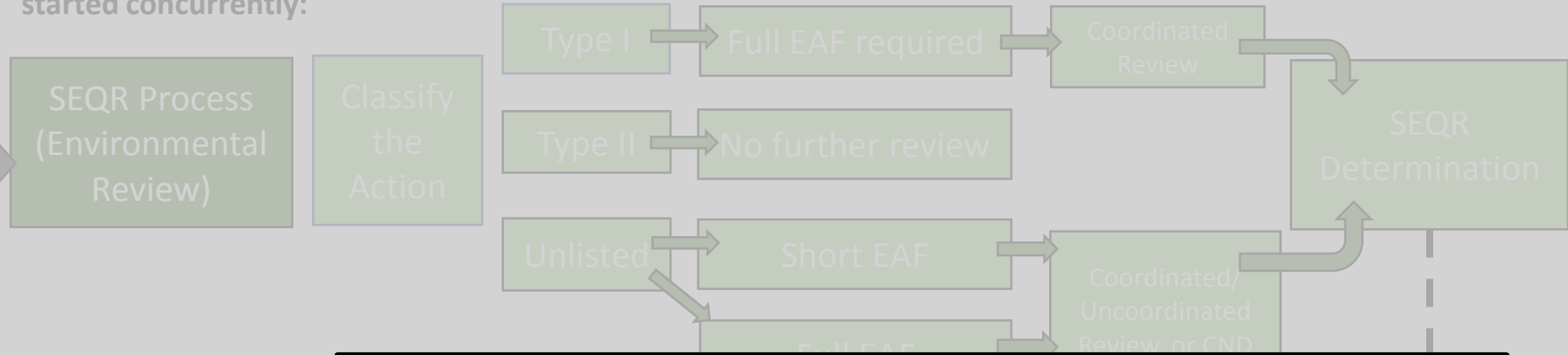
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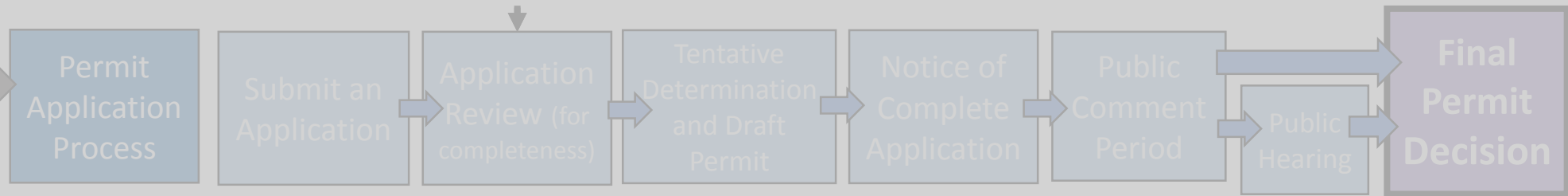
Regulatory Process for DEC Permits

Processes may be started concurrently:



State Historic Preservation Act (SHPA) Review

[The State Historic Preservation Act \(SHPA\)](#) was passed by the New York State Legislature in 1980 to preserve New York's historic and archeological resources. The program is overseen by the Office of Parks, Recreation and Historic Preservation (OPRHP). More information can be found in DEC's SHPA [Applicant's Guide](#).



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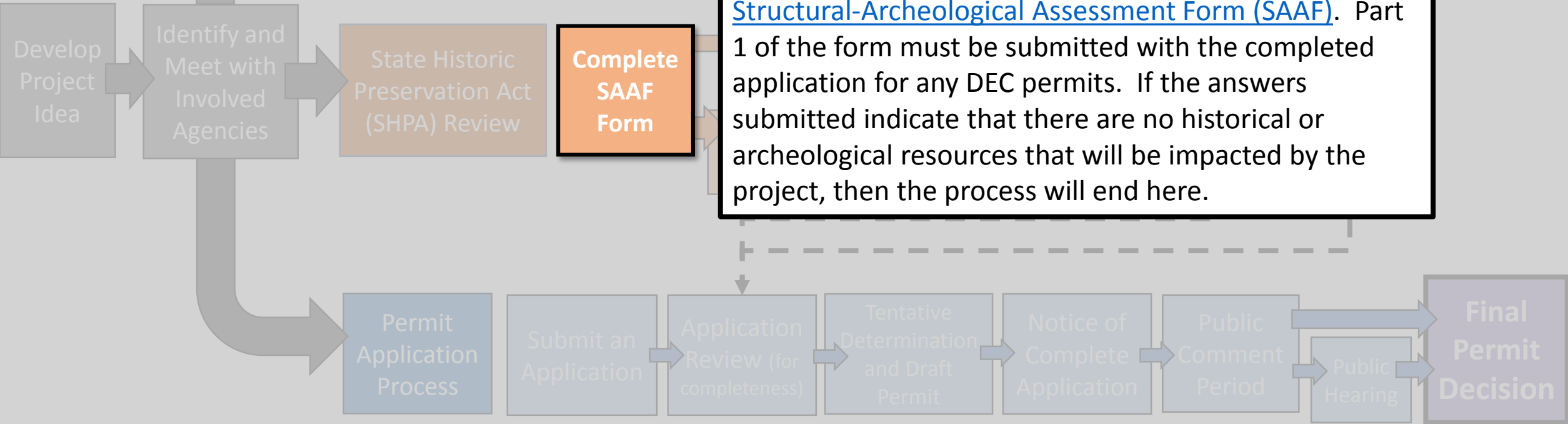
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



If your project is [subject to SHPA](#), you must file a [Structural-Archeological Assessment Form \(SAAF\)](#). Part 1 of the form must be submitted with the completed application for any DEC permits. If the answers submitted indicate that there are no historical or archeological resources that will be impacted by the project, then the process will end here.

SHPA Review Criteria

Subject to SHPA Review Process:

UPA Major and Unlisted

Type I

Exempt from SHPA Review Process:

UPA Minor and Unlisted

Type II

Projects that have undergone or are undergoing [Section 106 Review](#)

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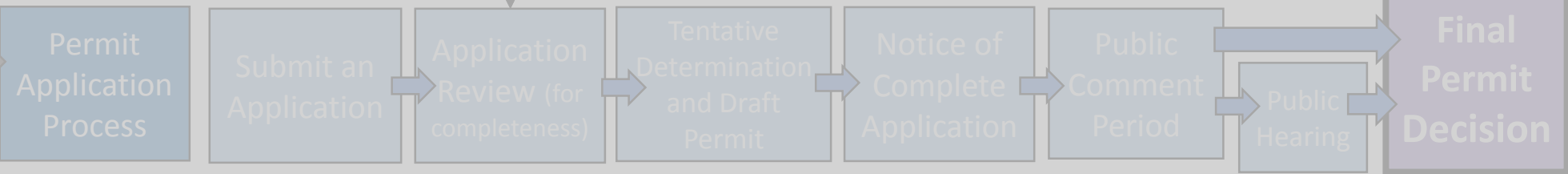
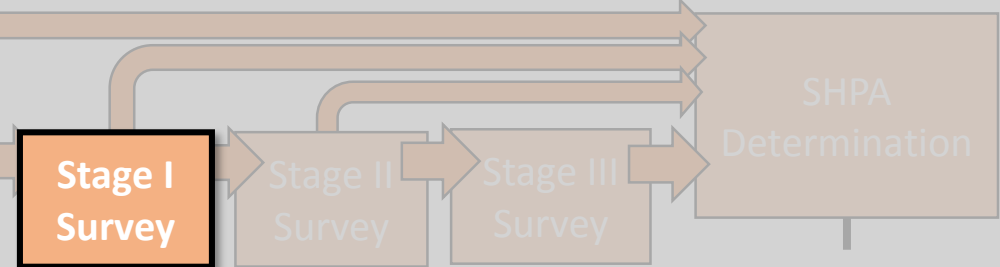
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



If it is determined that there may be historical or archeological resources that may be impacted by a project, a Stage I Survey will be required – this includes a literature search on known resources in the area and a preliminary field investigation to explore whether there are likely to be historical or archeological resources on site.



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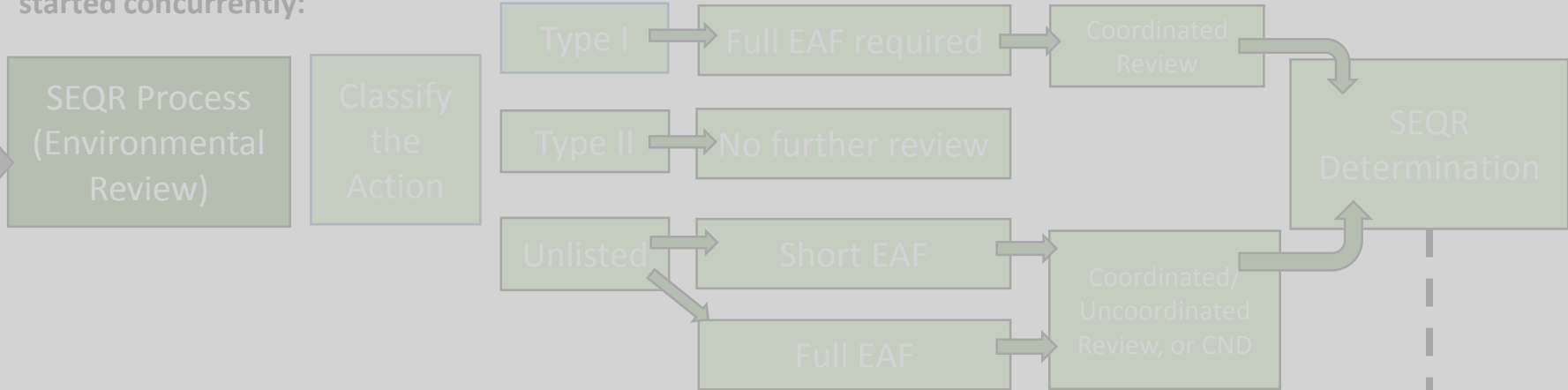
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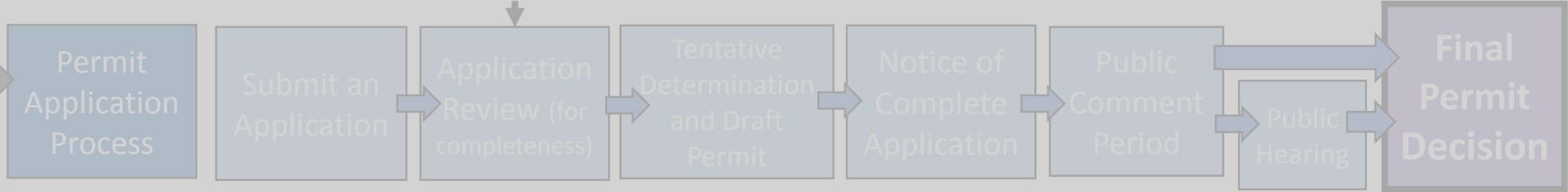
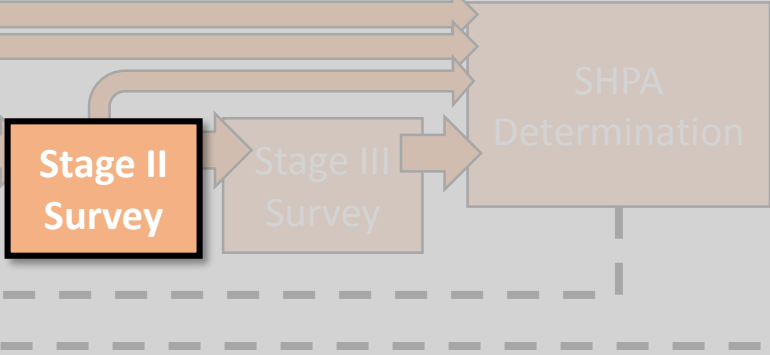
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



If the Stage I Survey indicates potential impacts, a Stage II Survey must include intensive field work to determine precise location of the resources, and a thorough exploration of reasonable project alternatives, if the resources are significant and will be partially or completely destroyed by the project.



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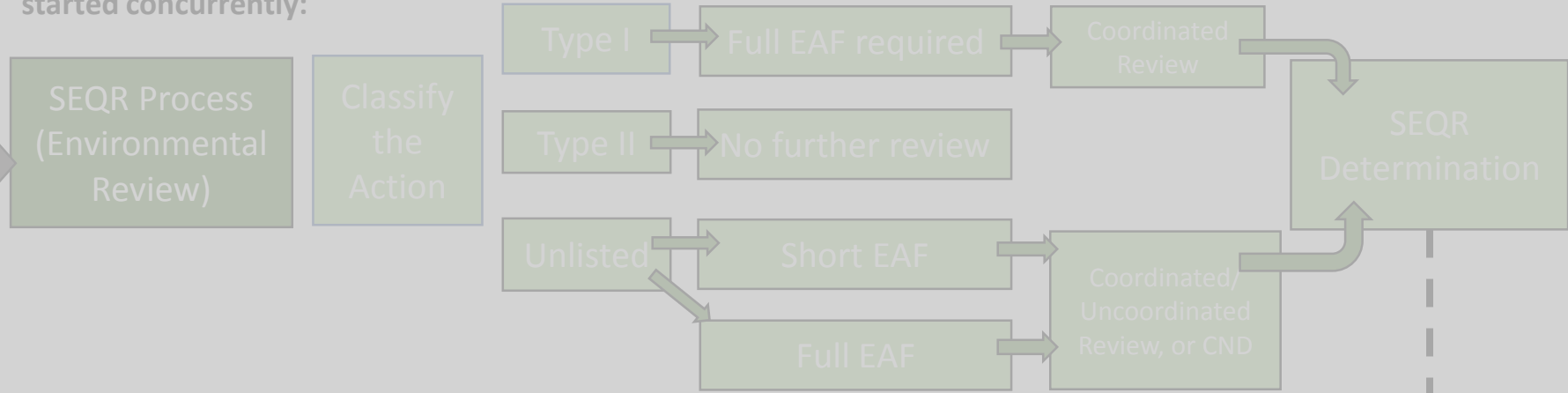
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

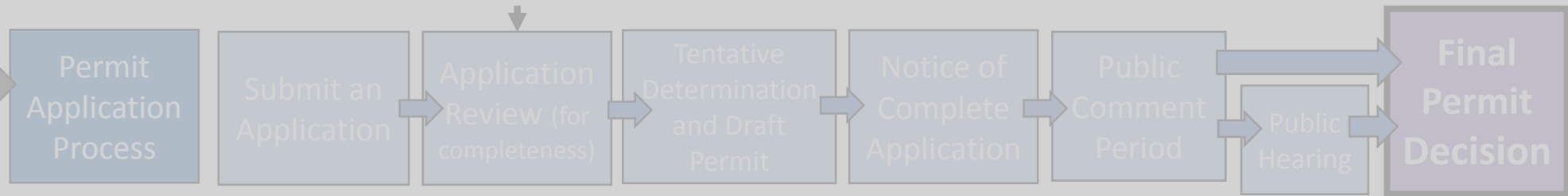
Processes may be started concurrently:



Stage III, if deemed necessary, involves the design and implementation of a plan to mitigate any damage that would be caused by the project. The plan must be submitted before DEC can issue a permit for a project, and conditions of the permit will require that mitigation be done before any land clearing or construction begins.

Stage III Survey

SHPA Determination



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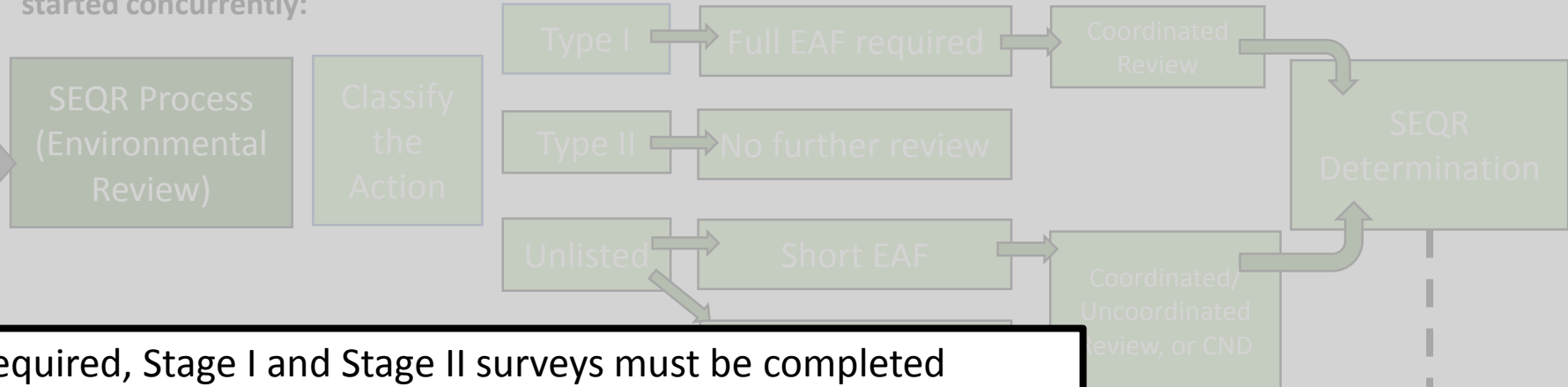
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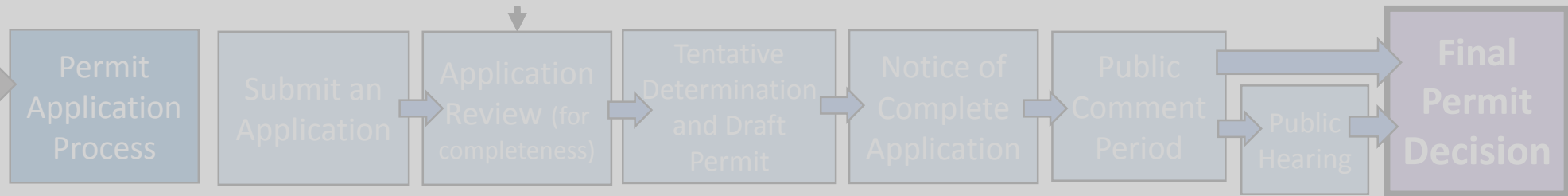
Regulatory Process for DEC Permits

Processes may be started concurrently:



If SHPA review is required, Stage I and Stage II surveys must be completed before any environmental permit applications can be considered complete, and Stage III mitigation plans must be accepted before any permitting decisions can be made. All SHPA determinations are made by the DEC in consultation with [OPRHP](#). Note: the presence of cultural resources on a site does not necessarily preclude a project from moving forward, if protective conditions can be met.

SHPA Determination



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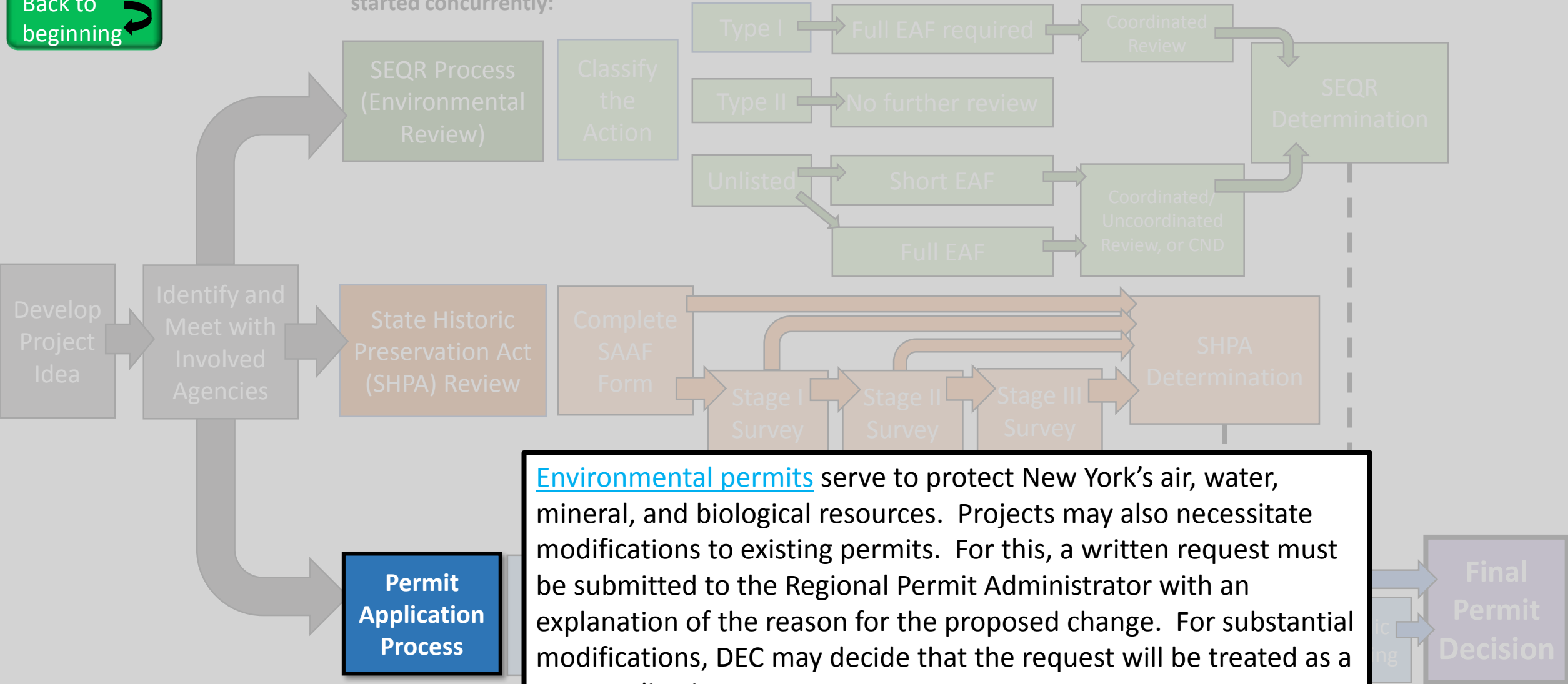
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



[Environmental permits](#) serve to protect New York’s air, water, mineral, and biological resources. Projects may also necessitate modifications to existing permits. For this, a written request must be submitted to the Regional Permit Administrator with an explanation of the reason for the proposed change. For substantial modifications, DEC may decide that the request will be treated as a new application.

Final Permit Decision

Abbreviated list of DEC permits that may be needed for a water reuse project, depending on location and other factors:

<u>Permit Category</u>	<u>Permit Program</u>	<u>Type</u>
Wastewater	<u>SPDES</u>	<u>Private/Commercial & Institutional</u>
		<u>Municipal</u>
		<u>Industrial</u>
		<u>Stormwater (for Construction)</u>
Waterways, Coastlines & Wetlands	<u>Freshwater Wetlands</u>	<u>Joint Permit (Freshwater Wetlands)</u>
	<u>Tidal Wetlands</u>	<u>Joint Permit (Tidal Wetlands)</u>
	<u>Coastal Erosion Management</u>	<u>Joint Permit (Coastal Erosion Management)</u>
Air	<u>Air Facility Permits</u>	<u>Air Permit</u>
Waste Management*	<u>Beneficial Use Determination</u>	<u>Beneficial Use Determination Petition</u>

DEC's [Environmental Resources Mapper](#) can help identify locations of natural resources and environmental features that have special protections that may impact the permitting process, and their [Environmental Permits Application Checklist](#) and list of [Application Forms](#) provides more detailed information about all of DEC's environmental permits.

*A Beneficial Use Determination requires a notification form/petition, rather than an environmental permit application

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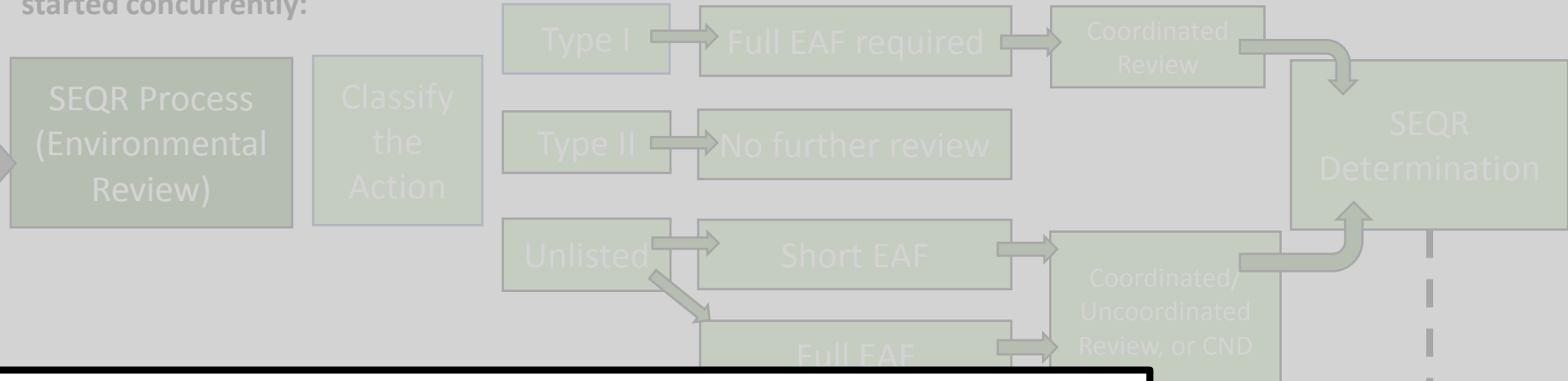
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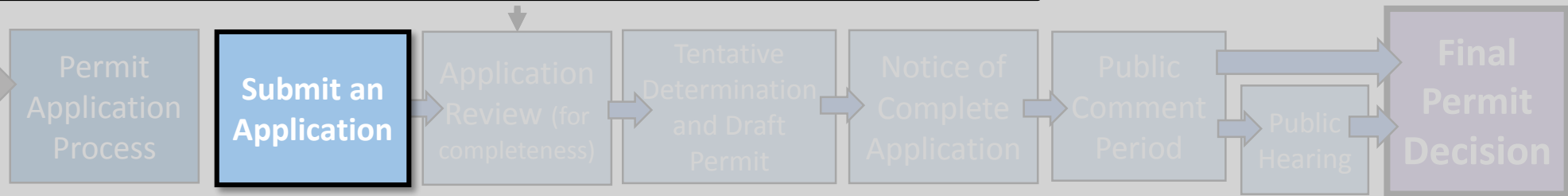
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



Applications must be submitted to the Regional Permit Administrator and the specific program implementing the regulations pertaining to the permit, and include a completed application form, location map, project plans, the completed SEQR Environmental Assessment Form, if required, and any other supplemental information required by 6NYCRR Part 621, Uniform Procedures Regulations. If more than one permit is required, all applications must be submitted simultaneously, and will be treated as components of an “application package” for the review process.



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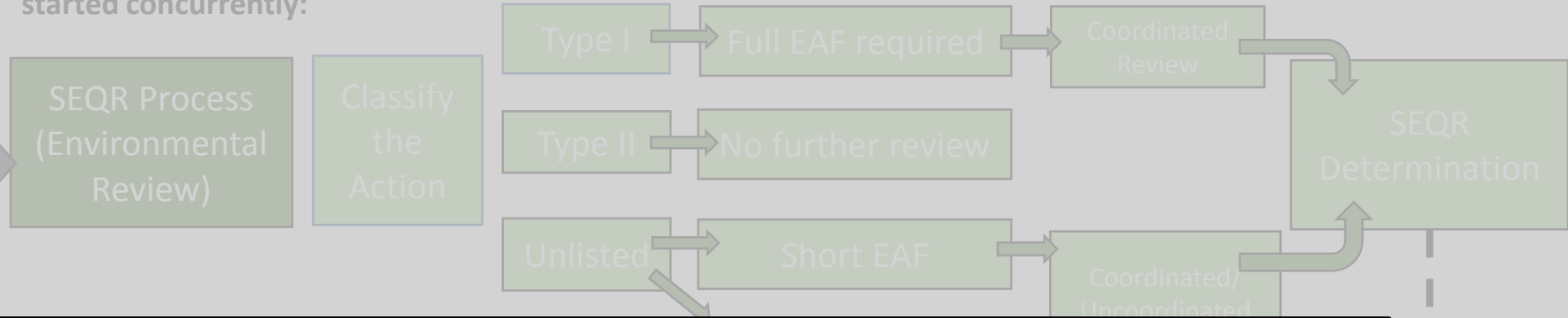
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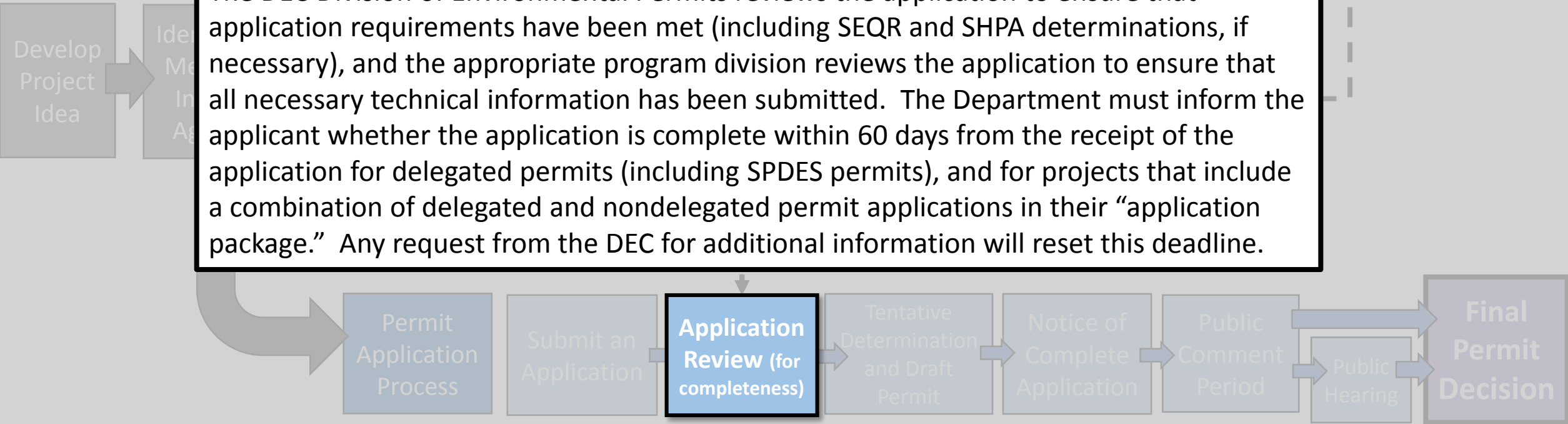
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



The DEC Division of Environmental Permits reviews the application to ensure that application requirements have been met (including SEQR and SHPA determinations, if necessary), and the appropriate program division reviews the application to ensure that all necessary technical information has been submitted. The Department must inform the applicant whether the application is complete within 60 days from the receipt of the application for delegated permits (including SPDES permits), and for projects that include a combination of delegated and nondelegated permit applications in their “application package.” Any request from the DEC for additional information will reset this deadline.



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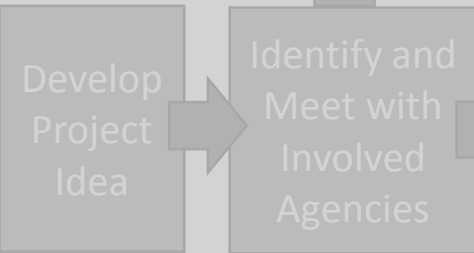
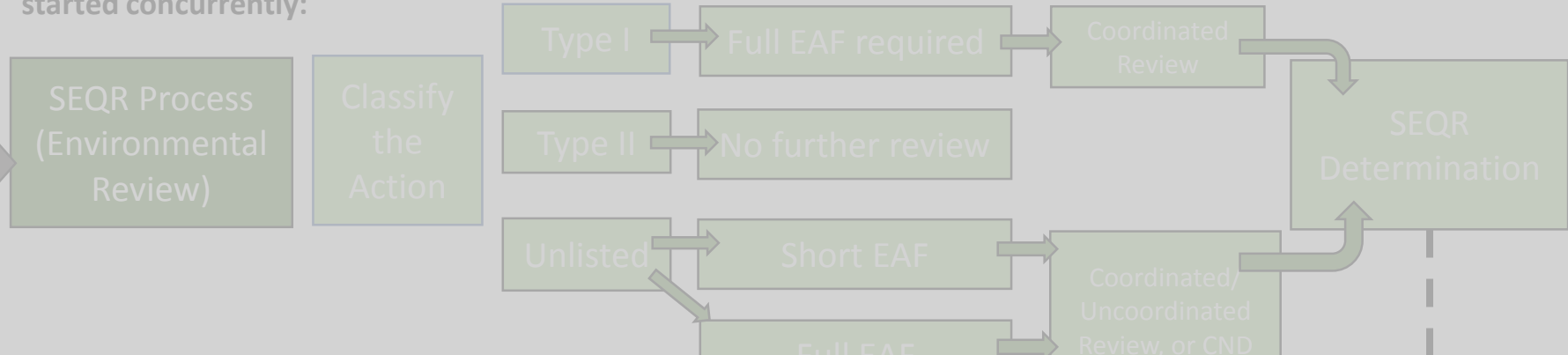
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



For delegated permits, defined in [6 CRR-NY 621.2](#) as those permits issued by the Department for which a comparable permit may be required by Federal Law (including SPDES permits), a tentative determination is required at the time the application is deemed complete. If the tentative determination is to issue the permit, then the Department must prepare and issue a draft permit before the Notice of Complete Application is issued. If the determination is to deny the permit, then the Department must issue a notice of intent to deny – which may be reconsidered based on additional information or further consideration.



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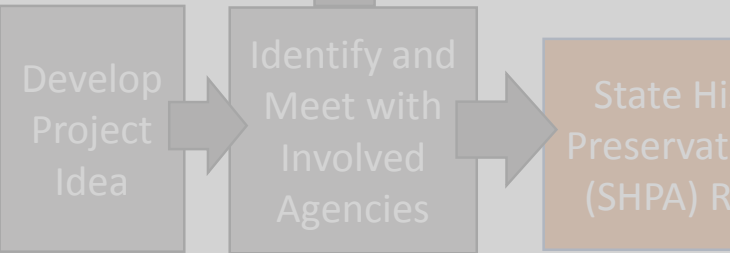
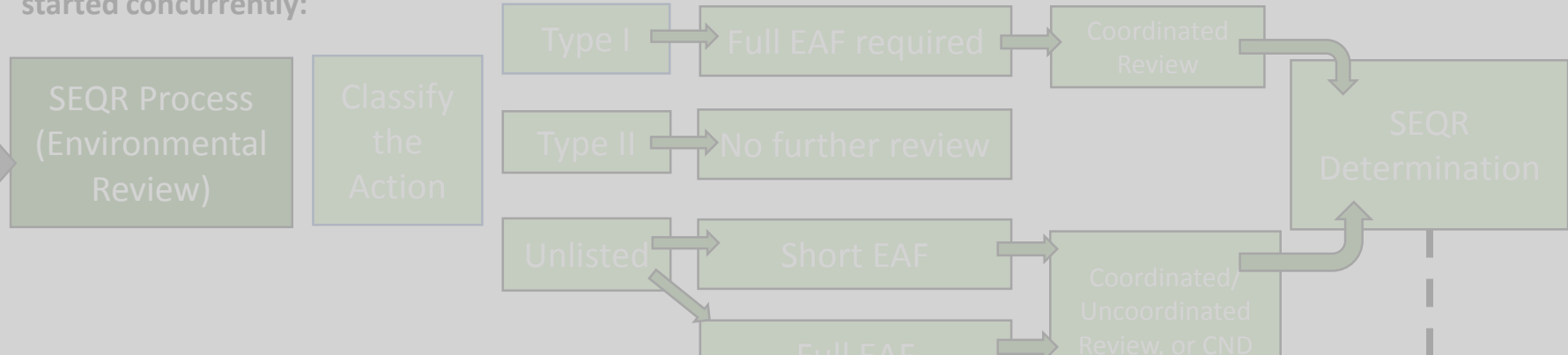
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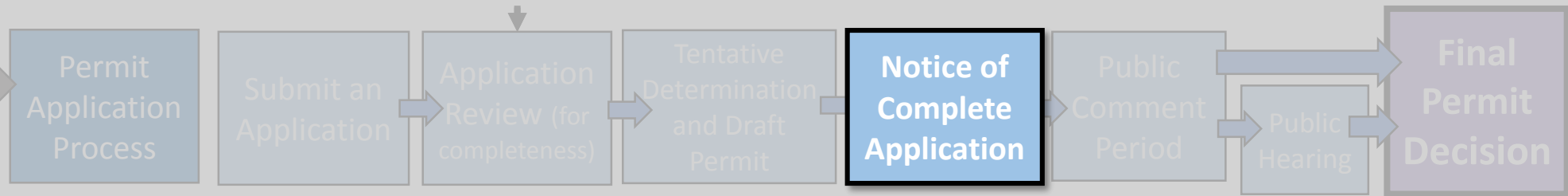
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



Major projects are subject to public review – a Notice of Complete Application describes the nature and location of the proposed project and sets deadlines for filing public comments; it also makes application documents and draft permits (where applicable) available to the public. The DEC publishes this notice in the [Environmental Notice Bulletin](#) within 10 calendar days after notifying the applicant that the application is complete, and the applicant must also publish it in a local newspaper. Minor projects do not usually require a public notice.



Major and Minor projects are defined within the Uniform Procedures Act, Part 621.4 (6 CRR-NY 621.4) – Requirements for specific permit applications, and have a specific [criteria](#) based on permit type. Some example criteria for DEC permits are listed below, but note that this is an abbreviated list.

Permit Program	Major/Minor	Criteria
SPDES	Minor	Discharges of less than 10,000 gallons per day of sewage effluent, without the admixture of industrial wastes, or other wastes, to groundwaters
Freshwater Wetlands	Minor	Includes cutting but not elimination or destruction of vegetation where the functions and benefits of the wetland are not significantly adversely affected; installing electric, telephone or other utilities from an existing distribution facility to a structure, where no major modifications or construction activities in the wetland are necessary; installation of fencing in an adjacent area, etc.
Tidal Wetlands	Minor	Any activity given a designation of Generally Compatible Use (GCp): includes installation of underground electric, sewer, water, or other utilities where such installation will involve restoration of existing ground elevation in certain types of wetland areas, etc.
Air	Major	Includes projects subject to major new source preconstruction permitting, those that require emission reduction credits, or the use of a federally enforceable emission cap, etc.
Coastal Erosion Management	Minor	Includes excavation, grading, mining, filling or dredging of less than 100 cubic yards; construction or modification of erosion protection structures not exceeding 100 linear feet

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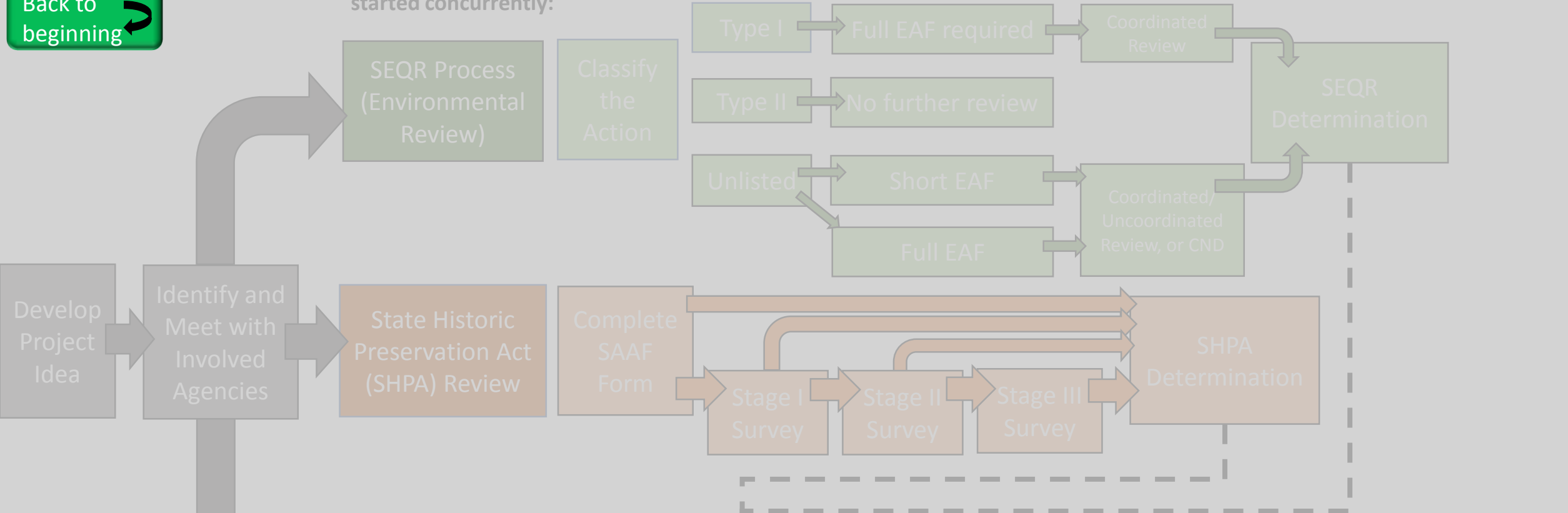
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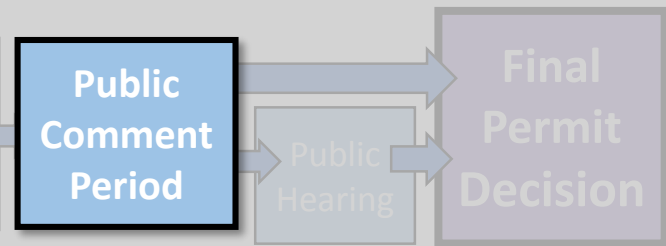
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



The public comment period for major projects is usually either a 15-, 30-, or 45-day period after the date the Notice of Complete Application is published, depending on the permit type requested. Delegated permits require a public comment period of no less than 30 days. The Department reviews public comments and may ask the applicant to provide responses.



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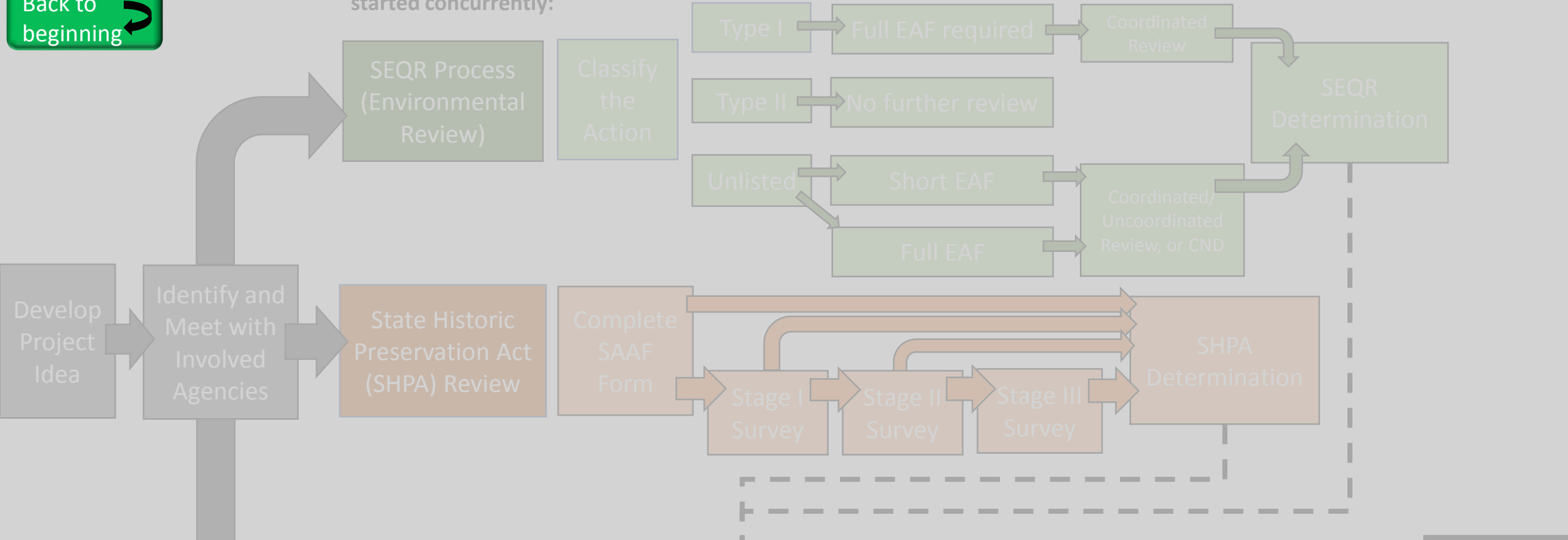
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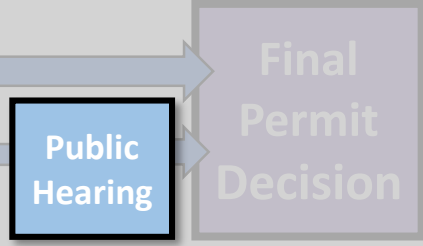
Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



The applicant can ask for a [hearing](#) if their application is denied or if they disagree with the terms of the draft permit. A decision by the DEC to hold a public hearing is based on the review of public comments, as well as staff's review of the project against permitting standards.



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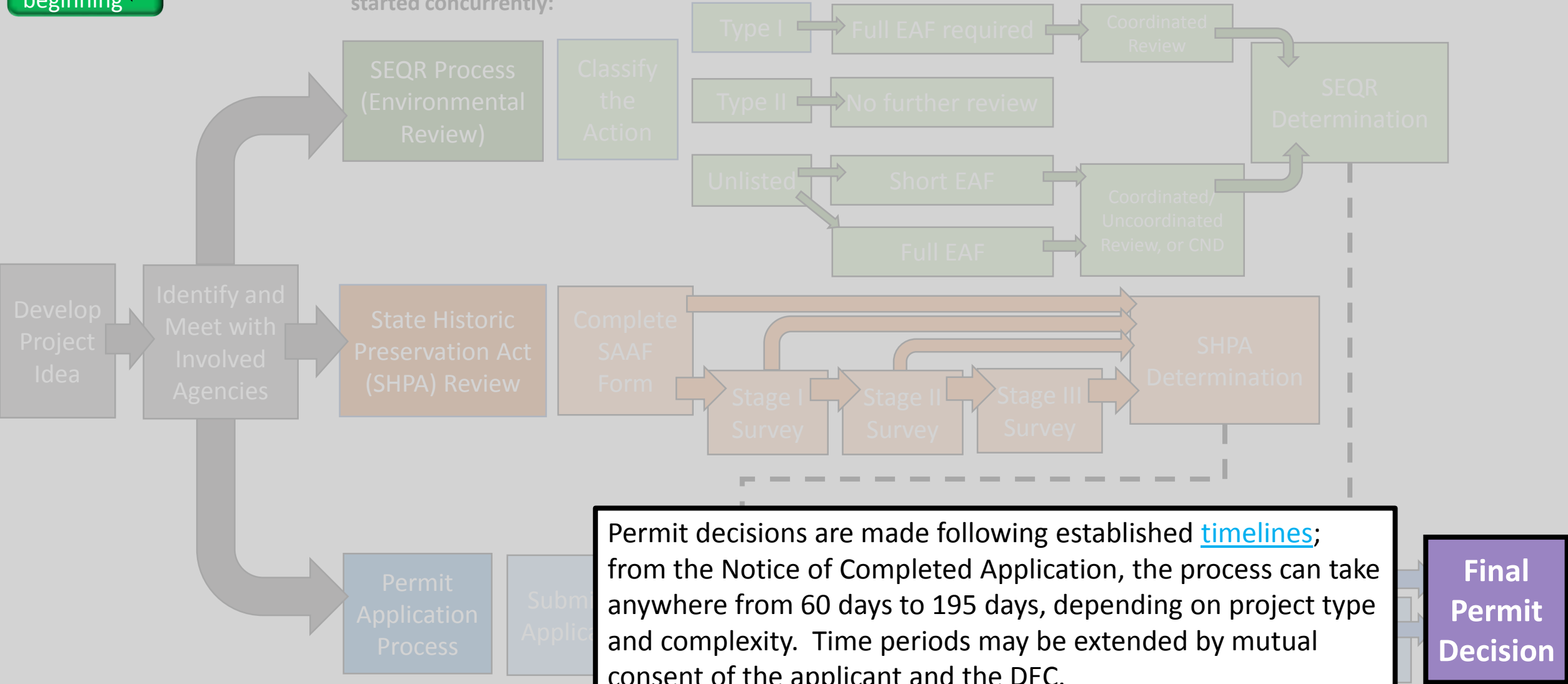
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Treated Wastewater Reuse Roadmap

Regulatory Process for DEC Permits

Processes may be started concurrently:



Permit decisions are made following established [timelines](#); from the Notice of Completed Application, the process can take anywhere from 60 days to 195 days, depending on project type and complexity. Time periods may be extended by mutual consent of the applicant and the DEC.

Final Permit Decision

DEC Permitting Process

<u>Step</u>	<u>Established Timeline</u>
Step 1: Submit Application	**This timeline starts upon Department's receipt of application
Step 2: Application Review <ul style="list-style-type: none"><li data-bbox="50 314 1337 492">• Review for Completeness Delegated permits and projects that include both delegated and nondelegated permits For all other permit applications<li data-bbox="50 571 1337 628">• Technical Review	DEC has 60 days from receipt of application to inform you of whether your application is complete DEC has 15 days from receipt of application to inform you of whether your application is complete Technical review timeframes vary based on project complexity
Step 3: Public Notice For minor projects For major projects	Do not usually require a public notice A Notice of Complete Application sets a 15-, 30- or 45-day public comment period, depending on the permit type requested
Step 4: Final Decision For minor projects For major projects, if no hearing is held For major projects, if a hearing is held	DEC must make a final decision within 45 days of determining the application complete DEC must make a final decision within 90 days of determining the application complete DEC notifies the applicant and the public of a hearing within 60 days of the completeness determination. The hearing must commence within 90 days of the completeness determination. Once the hearing ends, DEC must issue a final decision on the application within 60 days after receiving final hearing records