



INTERBASIN DIVERSIONS IN NEW YORK STATE

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Recently, one of our circuit riders mentioned to me a system that withdraws water from Lake Ontario was interested in setting up a bottling plant utilizing their water. The question is: what are the regulations involved with this? Is it feasible? I decided that this would be a good subject to research and report on.

Bottling and selling of bulk water ultimately involves the exportation or diversion of water to another drainage basin. Normally a public water supply's water would be consumed and recycled (via wastewater) within the same given drainage basin (watershed). In the case of bottled water, it would be diverted to potentially many different drainage basins throughout New York State and elsewhere. The New York State Department of Environmental Conservation (NYSDEC) defines an interbasin diversion as "a transfer of water or wastewater by means of a man-made conveyance from one major drainage basin to any other drainage basin."

Unfortunately for the water system in question, the Great Lakes - St. Lawrence River Basin Water Resources Compact prohibits the diversion of water from the Great Lakes - St. Lawrence River Basin. The Great Lakes - St. Lawrence River Basin is shown on Figure 1. The Great Lakes - St. Lawrence River Basin Water Resources Compact became state and federal law in 2008. There are some exceptions to the diversion prohibition for public water supply systems. These principally include the transfer of water to an area within a straddling community (yellow-orange areas on Figure 1) outside the Great Lakes - St. Lawrence River Basin as long as the water is used solely for public water supply purposes and the water that is not consumed is returned to the Great Lakes - St. Lawrence River Basin.

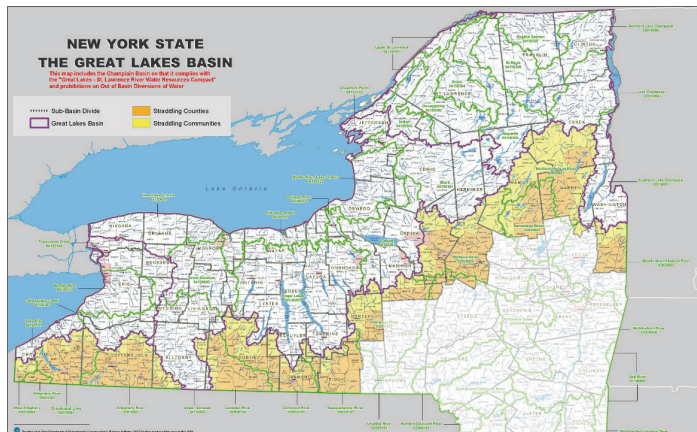


Figure 1. Great Lakes-St. Lawrence River Basin (from NYSDEC).

There are 17 major drainage basins defined in New York State. These are illustrated on Figure 2 below that has been modified from the NYSDEC. A new or increased interbasin diversion will not be approved by NYSDEC if it "results in a significant adverse impact on the water quantity in the major drainage basin that is the source of the diversion and from which waters are diverted."

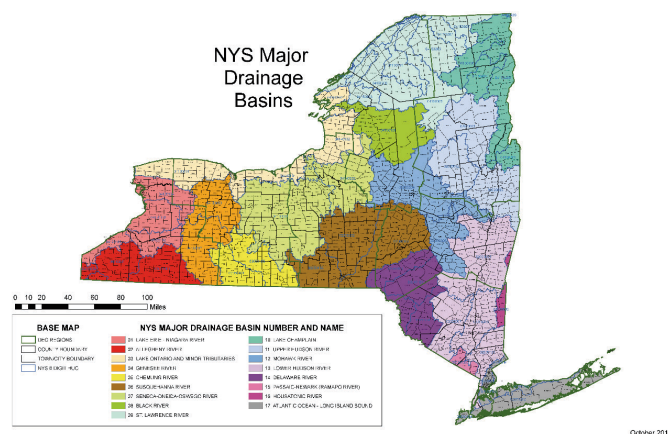


Figure 2. New York State's 17 Major Drainage Basins.

In areas of New York State not situated in the Great Lakes - St. Lawrence River Basin, interbasin diversions in New York State that are in excess of an average of 1,000,000 gallons per day are required to register with the NYSDEC. Registration is not required if the diversion is already subject to a NYSDEC water withdrawal permit or is being permitted by the Delaware River or Susquehanna River Basin Commissions.

In closing, New York State has regulations regarding the diversion of water from one drainage basin to another. For most water systems, this is not an issue. However, if you are contemplating other uses for your water (i.e. bottling, bulk sales, selling to other systems) or extending your distribution system beyond watershed boundaries, it would be worthwhile seeing if you would be subject to these regulations.

As always, please feel free to contact me at winkley@nyruralwater.org or 1-888-NYRURAL, ext. 170. 💧💧