

NYS Source Water Protection Scorecard (V1) - Instructions

Scorecard line	How to identify in your watershed	Background	How to improve score
1. Source Water Assessment			
1a. Does your water source have a Source Water Assessment ?	Request from your municipality, water provider, or the county or state Department of Health	In 1996, Congress amended the Safe Drinking Water Act, requiring the Environmental Protection Agency, and in New York State, its delegate the Department of Health, to conduct source water assessments for public water supplies. These assessments should identify potential threats to drinking water quality. These assessments are summarized in the annual drinking water quality report that public water supplies are required to provide to consumers, and the full detailed assessment should be available upon request.	Ask the Department of Health to update Pursuant to the DOH's 1999 Source Water Protection Plan, the DOH, "may update the assessments (and make them available to the public) as necessary to meet the originally defined or evolving objectives of the assessment for each public water system source." (See DOH, New York State Source Water Assessment Program, at 14 (1999) available at https://www.health.ny.gov/environmental/water/drinking/swapp.pdf You may start by contacting your county Health Department with any concerns (https://www.health.ny.gov/contact/contact_information/index.htm).
1b. Does it include an accurate and complete watershed map defining your drinking water supply's watershed?	You will need to consult experts in your watershed to understand if the map is accurately delineated.	The first step to understanding vulnerabilities within any water supply is understanding the land area associated with your water source.	
1c. Does it accurately catalog all potential hazards ?		The potential hazards listed here may introduce contamination of various kinds into a drinking water supply. While this list is not exhaustive, any thorough source water assessment should include an analysis of at least these potential hazards.	
	Search for pollution discharges regulated by the Clean Water Act via State Pollution Discharge Elimination System (SPDES) permits using the EPA's ECHO database: https://echo.epa.gov/	SPDES discharges may include treated sewage, or any regulated contaminant	
	The state's Bulk Storage Database includes information on current and former petroleum, oil and chemical bulk storage facilities : http://www.dec.ny.gov/cfm/extapps/derexternal/index.cfm?pageid=4	Bulk storage facilities handle hazardous materials.	
			Other source of watershed planning funding are available from DEC Hudson River Estuary Program and Department of State.



NYS Source Water Protection Scorecard (V1) - Instructions

Source Water Score Line	How to identify in your watershed	Background	How to improve score
1c (continued)	<p>Hazardous waste sites may be identified in the federal Superfund database (https://www.epa.gov/enviro/cerclis-search) the federal database of facilities that generate, transport, treat, store, and dispose of hazardous waste (https://www3.epa.gov/enviro/facts/rcrainfo/search.html) the state remediation site database (http://www.dec.ny.gov/cfm/xtapps/decexternal/index.cfm?pageid=3); and the state's Spill Incident Database (http://www.dec.ny.gov/cfm/xtapps/decexternal/index.cfm?pageid=2)</p>	<p>Hazardous waste sites of various kinds may introduce contaminants into a water supply.</p>	<p>Pursuant to the DOH's 1999 Source Water Protection Plan, the DOH, "may update the assessments (and make them available to the public) as necessary to meet the originally defined or evolving objectives of the assessment for each public water system source." (See DOH, New York State Source Water Assessment Program, at 14 (1999) available at https://www.health.ny.gov/environmental/water/drinking/swapp.pdf You may start by contacting your county Health Department with any concerns (https://www.health.ny.gov/contact/contact_information/index.htm).</p> <p>Other source of watershed planning funding are available from DEC Hudson River Estuary Program and Department of State.</p>
	<p>Active landfills can be identified using this state database: https://data.ny.gov/Energy-Environment/Landfill-Solid-Waste-Management-Facilities-Map/afg5-7i6u</p>	<p>Landfills may introduce contaminants to groundwater or surface waters through leachate if they are not adequately closed and monitored.</p>	
	<p>Facilities reporting release of toxic substances to water, land and air can be identified using the EPA's Toxic Release Inventory: https://www.epa.gov/toxics-release-inventory-tri-program</p>		
	<p>Oil and gas wells can be identified using this state database: http://www.dec.ny.gov/energy/1603.html</p>		
	<p>Mines can be identified using this state database: http://www.dec.ny.gov/lands/5374.html</p>		
	<p>Major transportation routes can be identified by using the state's Environmental Resources Mapper: http://www.dec.ny.gov/imsmaps/ERM/viewer.htm</p>		

NYS Source Water Protection Scorecard (V1) - Instructions

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1d. Does its land use assessment characterize the risk from urban stormwater runoff ?		A land use analysis should be part of a thorough source water assessment. The extent of urban land use in the watershed should be assessed, since runoff can introduce oils, salt, sediment, metals, nutrients and other contaminants. If existing urban land uses are present, stormwater runoff from them may put water quality at risk. A thorough source water assessment should also identify areas that are prone to future development that could put the water supply at risk.	
1e. Does its land use assessment characterize the risk from agricultural runoff ?		Like urban runoff, agricultural runoff can introduce contaminants such as nutrients, pathogens, sediment and pesticides into water supplies. The extent of agricultural lands in the watershed should be assessed, and the type of agriculture (row crop, livestock operation, etc.) should be noted, since different types of agriculture present different levels and types of risks.	
1f. Is it easily accessible to the public ?		The Source Water Assessment is sometimes published as an attachment to annual drinking water quality reports required under the Safe Drinking Water Act. It may be available as a separate link on a water department or municipal website.	Ask your municipality or water source provider to post the document online.

NYS Source Water Protection Scorecard (V1) - Instructions

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2. Source Water Protection Program			
2a. Does your water source have a Source Water Protection Program ?	Your water provider should know if your water supply has a Source Water Protection Program in place, whether it is being implemented, if there is dedicated funding, and whether and how many staff are devoted to it.	Congress and the EPA intended the Source Water Assessment to be the basis for Source Water Protection Programs that would be implemented to reduce and eliminate threats to water quality identified by the Assessments. The first objective of New York's Source Water Assessment Program was to "determine whether a sophisticated source-specific protection program is needed."	Request assistance from local, county and state elected leaders, as well as county and state Department of Health and state Department of Environmental Conservation
2b. Does it address all potential threats identified in the Source Water Assessment?	Compare the Source Water Protection Program to the Source Water Assessment		
2c. Are priority projects being implemented?	Your water provider should know if your water supply has a Source Water Protection Program in place, whether it is being implemented, if there is dedicated funding, and whether and how many staff are devoted to it.		
2d. Is there a dedicated source of funding for source water protection projects?	Your water provider should know if your water supply has a Source Water Protection Program in place, whether it is being implemented, if there is dedicated funding, and whether and how many staff are devoted to it.		
2e. Are one or more staff members in your municipality dedicated to source water protection?	Your water provider should know if your water supply has a Source Water Protection Program in place, whether it is being implemented, if there is dedicated funding, and whether and how many staff are devoted to it.		

NYS Source Water Protection Scorecard (V1) - Instructions

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3. Watershed Management			
3a. Is there a comprehensive watershed management plan your source waters?	Search for watershed plans here: http://www.dec.ny.gov/chemical/99985.html	Source waters may be part of a larger watershed that has been the subject of planning; alternately, two or more watersheds may be important for preserving your source waters. In some cases a Watershed Management Plan and Source Water Protection Plan may cover the same geographic area and issues.	Sources of watershed planning funding are available from DEC Hudson River Estuary Program and Department of State.
3b. Does the plan include specific prioritized projects , including what agencies have authority to act, and potential funding sources?	Read the watershed plan to determine if projects are prioritized clearly, with potential partners identified to execute the project.	Watershed plans are not all the same. Some characterize the watersheds, while others prioritize specific projects to achieve particular goals. Generally, the more a plan prioritizes specific projects in service of a measureable goal, the more likely those projects are to be eligible for funding.	
3c. Is there an intermunicipal council devoted to implementing the management plan?	Inquire with municipalities in your watershed to find out about intermunicipal agreements, councils and other activities. Some regions of the state have umbrella organizations, such as the Hudson River Watershed Alliance, that list active citizens groups: http://www.hudsonwatershed.org/local-watershed-groups.html	Find out if there is an active intermunicipal council, governed by an agreement passed by all municipalities in the watershed.	Encourage your municipality to initiate a process to develop intermunicipal cooperation to protect drinking water.
3d. Is there an active citizens group focused on protection/restoration of this watershed?	Inquire with municipalities in your watershed to find out if there is an active citizens group. Some regions of the state have umbrella organizations, such as the Hudson River Watershed Alliance, that list active citizens groups: http://www.hudsonwatershed.org/local-watershed-groups.html	Find out if there is an active citizen watershed group. These groups may have a number of roles, acting as researchers, educators or watchdogs.	Start a group in your watershed.
3e. Is there a dedicated source of funding to implement management plan priorities?	Inquire with municipalities in your watershed to find out if watershed planning and implementation is funded, and how.	Without funding, projects identified in watershed plans may not be implemented. Examples of funding streams may include stormwater fees or real estate transfer taxes.	Advocate at the local level for the establishment of dedicated funding sources.

NYS Source Water Protection Scorecard (V1) - Instructions

4. Land Use			
4a. Do those who drink the water have jurisdiction over land use decision making in your source watershed?	Determine all municipalities that control land within the watershed for your source waters.	Home rule in New York State means that municipalities typically have authority to make land use decisions within their borders; however Public Health Law Section 1100 empowers the New York State Department of Health to make rules to protect water supplies and empowers localities to take action beyond municipal borders to protect drinking water supplies. Read more at http://hudsonvalleyregionalcouncil.org/wp-content/uploads/2015/11/Watershed-Rules-Regs-for-Protecting-Drinking-Water-in-NY.pdf	Request that the state Department of Health promulgate new Watershed Rules and Regulations for your water supply.
4b. Has the Department of Health promulgated local Watershed Rules and Regulations ?	Promulgated Watershed Rules and Regulations for New York State communities can be found here: https://regs.health.ny.gov/content/subchapter-municipalities-districts-companies-institutions	From the Hudson Valley Regional Council white paper on the subject: "New York's Public Health Law Article 11, §1100 authorizes the New York State Department of Health (NYS DOH) to promulgate regulations 'for the protection from contamination of any or all public supplies of potable waters and water supplies of the state ... and their sources within the state....' and these are known as watershed rules and regulations. For water sources from certain watersheds in NY, including the water supply watersheds used for New York City's drinking water supplies, the watershed rules and regulations have been updated in recent years and they are a central part of the drinking water protection program for those water sources. While these regulations have not been updated in many years for most supplies, other regulations have been implemented to address certain water quality risks that were not fully recognized when this law was first adopted, including hazardous waste disposal, storage of fuel oil and chemicals, and pesticide applications."	
4c. Are Watershed Rules and Regulations complete and up to date ?		Judge the source water protection rules for your water supply, and consider your knowledge of the water supply, its Source Water Assessment, and other factors to determine if the rules adequately address vulnerabilities.	
4d. Does your municipality have agreements with municipalities in your watershed related to drinking water protection?	Check with your municipal government or water department about memoranda of agreement or understanding (MOA or MOU) that may be in effect.	An agreement between municipalities may give municipalities that drink the water some greater level role in land use decisionmaking in adjacent municipalities where water supply lands are located.	Request that your municipality negotiate agreements with neighboring municipalities to promote the protection of watershed areas essential to providing high quality drinking water.

NYS Source Water Protection Scorecard (V1) - Instructions

Source Water Score Line	How to identify in your watershed	Background	How to improve score
<p>4e. Is your source watershed designated as a Sole, Primary or Principal Aquifer, a Critical Environmental Area or Special Planning District?</p>	<p>Search for Critical Environmental Areas here http://www.dec.ny.gov/permits/6184.html; aquifers here: http://www.dec.ny.gov/lands/36119.html ; and inquire with municipalities within your source watershed to find out about any Special Planning Districts that may influence land use decisions in your source watershed.</p>	<p>The SEQRA EAF long form includes questions about principle/primary/sole source aquifer, critical environmental area or special planning district - but nothing that specifically asks if a project will impact drinking water otherwise. At present, these questions are critical questions to trigger environmental review of a project that may affect drinking water. Critical Environmental Areas may be designated by local agencies if they have "exceptional and unique character" with respect to a "benefit for human health" and/or "an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change." Special Planning Districts are areas identified by a local municipality, county, region or the state that encompass and plan for a specific resource or location, including watershed protection plans. They are often adopted by the municipality, but may not be part of a comprehensive plan.</p>	<p>Request local agencies to create Critical Environmental Areas or Special Planning Districts that will protect your source waters.</p>
<p>4f. Do all municipalities in your watershed have local laws protecting streams, wetlands and steep slopes in your source water area?</p>	<p>Check with the municipalities in which source water lands are located.</p>	<p>Local laws may provide greater protections than state or federal rules to protect wetlands, streams, steep slopes and other features that are important for preserving high water quality.</p>	<p>Consult with the Pace Land Use Law Center for model and exemplary ordinances on key topics (https://appsrv.pace.edu/GainingGround/?do=TopicSearch) and request that municipalities in your watershed adopt local laws that protect your source waters.</p>

NYS Source Water Protection Scorecard (V1) - Instructions

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5. Streams			
5a. Are all streams accurately classified to protect drinking water (Class A)?	Consult the NYS Environmental Resource Mapper (http://www.dec.ny.gov/imsmaps/ERM/viewer.htm) and the Waterbody Inventory/Priority Waterbodies List (http://www.dec.ny.gov/chemical/36730.html) to ensure both list streams Class A in the watershed.	Under New York State's implementation of the Clean Water Act, it designates stream segments with classifications that guide permitting of pollution discharges, with the highest protections (Class A or Class AA) given to drinking water supplies. Use the NYS Environmental Resource Mapper to identify streams in your source water area, and their classifications.	If a stream is not classified accurately, complete this form to start the process of correcting it: http://www.dec.ny.gov/docs/water_pdf/reclassform.pdf Or contact the DEC Bureau of Water Assessment and Management (http://www.dec.ny.gov/about/853.html)
5b. Are all pollution discharge permits written to protect drinking water use?	Find your DEC region (http://www.dec.ny.gov/about/50230.html) and use the information about SPDES discharges in the Source Water Assessment to identify permits in your watershed. Find each permit in this DEC folder (https://www.dropbox.com/sh/hz3spt98h4d88ue/AADmNLcYxcpZQFeWUNAxGMi9a?dl=0) and ensure that the "receiving water" on each is Class A, consistent with information identified via 4a above.	While the Clean Water Act set the goal of eliminating all discharges of pollution to water, today, many facilities discharge pollution under state permits governed by the Act. These discharges are regulated so as to protect the "designated use" of the water. In source watersheds, that use is "drinking water" and streams should be classified "Class A." Discharge limits should be set to protect Class A Water Quality Standards for all regulated pollutants.	Contact the DEC water engineer in your region to identify any concerns or discrepancies: http://www.dec.ny.gov/permits/6363.html
5c. Are all pollution discharges in compliance with their permits ?	Use the Environmental Protection Agency's ECHO (Enforcement and Compliance History Online) database to look up discharge permits in your watershed, and to find out if they are currently in compliance, have a history of compliance, and learn more about the types of pollutants permitted to be discharged in your watershed. (https://echo.epa.gov/)	To protect water quality, permits must not only set the right limits, but facilities discharging pollutants must also comply with their permit limits.	Contact the DEC water engineer in your region to inquire about compliance orders or other mechanisms in place to ensure facilities fully comply with permit limits: http://www.dec.ny.gov/permits/6363.html
5d. Are special protections applied to your source waters?	Inquire with your regional DEC office about whether specific streams in your watershed have been designated for a "discharge restriction category" or for "no new discharge."	The DEC may assign a "discharge restriction category" to streams in order to increase protections for source waters. The purpose of discharge restriction categories are to protect "waters of particular public health concern" and "other sensitive waters where"... "existing standards are not adequate to maintain water quality." (See 6 NYCRR §§ 701.19, 701.20.) DEC may also designate waters for "no new discharge," indicating that "no new [permitted pollution] discharges shall be permitted, and no increase in any existing discharges shall be permitted." (See 6 NYCRR § 701.23.)	Contact the DEC Bureau of Water Assessment and Management to discuss any concerns: http://www.dec.ny.gov/about/853.html

NYS Source Water Protection Scorecard (V1) - Instructions

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6. Wetlands			
6a. Are wetlands accurately mapped in your watershed?	View wetland maps using the NYS Environmental Resource Mapper (http://www.dec.ny.gov/imsmaps/ERM/viewer.htm)	Preservation of wetlands that naturally filter water and recharge groundwater supplies is recognized as key to preserving long-term water quality. Use the Natural Resource Mapper and your knowledge of the watershed to determine if wetlands appear to be mapped correctly.	For questions about state wetlands mapping, protections or other related matters, contact the DEC Division of Fish, Wildlife and Marine Resources (http://www.dec.ny.gov/lands/5138.html)
6b. Has DEC recently updated freshwater wetlands maps ?	Find out when maps for your county have been updated: http://www.dec.ny.gov/docs/wildlife_pdf/wetstats4.pdf	Technological improvements, as well as natural changes over time, necessitate periodic updates to wetlands maps to ensure completeness and accuracy. It's not always clear when wetlands maps become outdated enough to require an update.	
6c. Are small wetlands protected as being of "unusual local importance"?	Contact the regional office of the Department of Environmental Conservation to inquire about protections of wetlands in your watershed.	Wetlands are typically protected from filling, draining or alteration without a permit if they are 12.4 acres or greater in size. These protections can and should be applied to smaller wetlands, under Environmental Conservation Law, in source water areas. For more information visit the DEC's wetlands protection page: (http://www.dec.ny.gov/lands/5133.html).	For questions about state wetlands mapping, protections or other related matters, contact the DEC Division of Fish, Wildlife and Marine Resources (http://www.dec.ny.gov/lands/5138.html)
6d. Are wetlands designated "Class I" as part of drinking water supply?	Inquire with the DEC regional office to learn about classifications of wetlands in your watershed.	Wetlands that are in drinking water supply areas should be "Class I," (sometimes written "Class 1") with the highest level of protections. In the language of the law, a wetlands area should be designated Class I if "it is adjacent or contiguous to a reservoir or other body of water that is used primarily for public water supply, or it is hydraulically connected to an aquifer which is used for public water supply." (6 NYCRR Part 664)	

NYS Source Water Protection Scorecard (V1) - Instructions

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7. Forests and Open Space			
7a. Have priority lands and forests key to preserving water quality been identified for conservaiton?	Inquire with your municipality or water provider.	Preservation of forests, particularly, and other open spaces, naturally filter water supplies, reduce stormwater runoff, and are recognized as key to preserving long-term water quality.	Discuss open space planning initiatives with local, county and state elected officials, as well as DEC and DOH.
7b. Is there a dedicated source of local funding to preserve these lands?	Inquire with your municipality or water provider about local sources of funding, such as a local Open Space Conservation Fund or Transfer of Development Rights program.	Some municipalities have established open space protection programs, such as dedicated conservation funds or transfer of development rights programs. The mission of each plan may or may not include preservation of lands in your source watershed.	Consult with the Pace Land Use Law Center for model open space protection ordinances (https://appsrv.pace.edu/GainingGround/?do=TopicSearch) and advocate for the establishment of local funding sources.
7c. Are priority projects eligible for state funding through inclusion in the NYS Open Space Conservation Plan?	Read the NYS Open Space Conservation Plan to find out whether lands in your watershed are identified as priorities: http://www.dec.ny.gov/lands/317.html	The NYS Open Space Conservation Plan identifies priorities that are eligible for state funding for preservation. Protection of water supplies as a high priority, but doesn't specifically identify priority lands for conservation in each source water area. Promulgation by Department of Health of Local Watershed Rules and Regulations is necessary, under current rules, for downstream users of water to protect lands upstream if those lands are in other municipalities.	The state plan is updated every three years. The 2014 update is being finalized in 2016. Find out how to comment here: http://www.dec.ny.gov/lands/317.html And contact the Department of Health to request promulgation of Watershed Rules and Regulations allowing for preservation of priority lands outside of boundaries of the municipality consuming the water.
7d. Do regional sources of open space conservation funding prioritize protection of your source water area?	Inquire with your municipality, water provider or local land trusts. Find local land trusts at http://www.landtrustalliance.org/find-land-trust	Regional land trust may be established with any number of missions to guide their land conservation priorities. Find out if preserving lands in your water source is among the priorities of land trusts operating in your area.	Contact the administrators of county or other regional land conservation programs to find out whether and how protecting priority lands in your water supply can be made a priority.

NYS Source Water Protection Scorecard (V1) - Instructions

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8. Other			
8a. Is water quality monitored routinely in your watershed?	Inquire with municipalities, citizen watershed groups or water source providers.	While public water supplies are required to perform frequent monitoring at the point of treatment, testing of reservoirs, or the streams that are connected to them or to groundwater are often not routinely monitored.	Advocate for local funding for a source water monitoring program.
8b. Are stream assessments accurate and up to date?	Consult the DEC's Waterbody Inventory/Priority Waterbodies List: http://www.dec.ny.gov/chemical/36730.html	The Waterbody Inventory/Priority Waterbodies List (WI/PWL) is a compilation of water quality information for all individual waterbodies in the state. The WI/PWL includes waterbody Fact Sheets outlining the most recent assessment of the degree to which the waterbody is supporting its designated use (including drinking water) under the Clean Water Act, as well as identification of water quality problems and sources, and summary of activities to restore and protect each individual waterbody. Check the relevant factsheets to see if streams are accurately classified, and any relevant data is consistent with other documents, such as Source Water Assessments or watershed plans. The PWL is an important document for determining state funding priorities for certain grants and loans.	Citizen science projects like WAVE and Riverkeeper's water quality monitoring program can help to fill in gaps in knowledge and update assessments. The Waterbody Inventory/Priority Waterbodies List (WI/PWL) can be updated at any time, and undergoes a systematic update every other year as part of the federal Clean Water Act process to identify impaired waters. This worksheet may be used to submit requested updates: http://www.dec.ny.gov/docs/water_pdf/pwlwrkshst.pdf
8c. Do signs mark source water features and borders?		Some watersheds used for drinking water are well marked at major road crossings, watershed boundaries or other key points. Others are almost totally unmarked, except at entry gates around reservoirs.	Advocate in watershed municipalities to post signage.
8d. Are stormwater discharges in your watershed regulated?	Consult the map of regulated communities here: http://www.dec.ny.gov/chemical/92258.html	Municipal stormwater discharges from some communities are regulated by federal and state law, but smaller communities are not covered by these rules. The presence of regulations should not provide adequate assurance that urban stormwater discharges are free of pollution - quite the opposite - but regulations are a start to control pollution from urban stormwater runoff.	Under the MS4 general SPDES permit, operators of unregulated small MS4s may apply for coverage at any time.
8e. Will you share the results of this scorecard?	Identify local, county, state and federal representatives, as well as contacts at the Department of Health, Department of Environmental Conservation, Riverkeeper and local watershed or conservation groups.	Many individuals and agencies can help if they are aware of needs in your community for additional source water protection. To get help, you must make agencies, elected officials and advocates aware of your needs.	

