§ 15-0313. Powers and responsibilities with respect to water pollution control.

1. The department shall perform such duties and functions with respect to the control of water pollution as is provided in article 17 of the Environmental Conservation Law, and shall have such powers and authority as may be necessary in that regard.

2. The department is hereby authorized, upon due consideration after hearing to:

a. Alter, modify or amend the "Rules and Classifications and Standards of Quality and Purity for Waters of New York State" for the control of pollution of the waters of the state as provided in paragraph (c) of subdivision 7 of section 17-0301,

b. Classify the waters of the state in accordance with best usage in the interest of the public, and alter, reclassify, modify, change or amend the classification of waters hitherto adopted and established by the former Water Resources Commission and the former Water Pollution Control Board as provided in paragraph (c) of subdivision 7 of section 17-0301,

c. Establish new, or alter, modify, change or amend existing standards of quality and purity of the waters of the state applicable to the classification of waters.

3. In the classification of waters and the adoption of standards of purity and quality therefore, due consideration shall be given by the department to the factors and considerations specifically provided in section 17-0301.

4. The department is authorized to adopt and enforce rules and regulations governing the direct application of chemicals to or in surface waters for the purpose of altering water quality, or the direct application of pesticides to or in surface waters, notwithstanding any of the provisions of this chapter.

a. Such rules and regulations may forbid such direct application or use of pesticides and chemicals except pursuant to a permit issued by the department, or by an appropriate officer or agency authorized by such rules to issue such permits, except that a permit shall not be required for the application of a pesticide to a pond of one acre or less in size which has no outlet to surface water.

b. Such rules and regulations may specify the pesticides and chemicals and quantities and concentrations thereof which may be directly applied or used, which specified chemicals and pesticides shall be selected with maximum protection of life, health and property as criteria for their selection, and shall also provide for giving reasonable notice to persons likely to be adversely affected by such use of chemicals and may require consent of persons who may reasonably be expected to suffer substantial damage or injury thereby prior to the issuance of any permit for such use. A fee of one hundred dollars shall accompany each permit.

c. No pesticide or chemical may be introduced into any surface waters of the state classified pursuant to article 17 in violation of such rules and regulations.