§ 15-1103. Petition; proceedings; exclusion of certain counties.

1. Any county, city, town or village, when duly authorized to do so, or any combination thereof, except as provided in subdivision 7 hereof, may submit to the department a verified petition requesting the department to consider a proposal for a survey and study of the water resources of a specified region of which the petitioning municipality is a part, for the purpose of preparing and providing a comprehensive plan or plans for the protection, conservation, development and beneficial use of such resources. Any such petition, prior to its submission to the department, must be approved by the county legislative body of each county wholly or partly within the specified region. The petition shall set forth the facts upon which the petitioner or petitioners rely to show that it is necessary and would be in the public interest and benefit to undertake such survey, study and comprehensive planning. The petition shall list the persons, public corporations and state agencies engaged in receiving, collecting, storing, transmitting, distributing, processing or otherwise dealing with water for a public purpose, within the region set forth in the petition, and the names and addresses of the clerks or other executive officers thereof. There shall be attached to the petition a certified copy of the resolution, ordinance or other evidence of authority authorizing the execution of the petition.

2. Upon receipt of a petition, the department with reasonable diligence shall cause public notice to be given that on a day therein named it will hold a public hearing at such place, within the region specified in the petition, as is designated in the notice for the purpose of hearing all persons, public corporations and state agencies in favor of or opposed to the proposal. Such public notice shall be given by publication as provided in subdivision 1 of section 15-0903.

3. In addition to such public notice, the department shall give notice of the time and place of the public hearing in writing, at least fifteen days prior to the date thereof, to the state Departments of Agriculture and Markets, Commerce, Health and Transportation, and the State Soil Conservation Committee; also to the clerks or other executive officers of the public corporations and state agencies, persons and other

agencies as listed in the petition. The department may also give similar written notice to any other person, body or agency it may deem would have an interest in or would be affected by any comprehensive planning. Any public corporation, acting through any executive office authorized to take such action by its governing body or board, may file with the department a written request that such public corporation be notified in writing of any hearing under title 11 of this article in relation to any region embraced in whole or in part within any area or areas of the state designated by such public corporation in its written request. After the filing of such request, where any petition shall be filed with the department setting forth any such region, but not listing such public corporation, the department shall give notice to such public corporation of any hearing on such petition, in the same manner as if it had been listed in the petition pursuant to subdivision 1 of this section. For the purpose of any hearings or proceedings under title 11 of this article or to review a decision in the manner provided by article seventy-eight of the Civil Practice Law and Rules relating to any region embraced within the area or areas designated in such request, any public corporation entitled to notice by reason of having filed such request shall be deemed to be and shall have all of the rights of a party to the same extent as if such public corporation had been listed in the petition pursuant to subdivision 1 of this section. A modification or withdrawal of any such request may be filed by any public corporation in the same manner as an original request. Any such modification shall have the same force and effect as an original request. Failure of the department to give notice pursuant to such written request shall not invalidate any proceedings had or action taken by the department.

4. The department shall, upon the day specified in the notice, or upon such subsequent day or days to which it may adjourn the hearing, proceed to take testimony and proof and to hear arguments submitted in support of and in opposition to the proposal. If in the course of the hearing, it shall appear to the department that the region specified in the petition should be enlarged in order to undertake a more comprehensive and beneficial study, survey and planning, the department shall adjourn the hearing a sufficient period of time in order to obtain the approval

of the county legislative body or bodies of the county or counties in which the additional area is located for the inclusion of such additional area in the proposal. If such approval is given, the department shall give, within the additional area, similar public and written notice, and shall give similar written notice to public corporations which have filed requests, and in like manner, as provided by subdivisions 2 and 3 of this section, of the time and place fixed by the department for the resumption of the public hearing. The hearing shall resume and proceed at such time and place as if the additional area had been included in the petition as part of the region.

5. Within thirty days after the taking of testimony and proofs, any person, public corporation or state agency, who or which has appeared at the hearing, may file with the department written objections to the proposal or parts thereof as petitioned for or as enlarged as above provided. Such objections shall specify the grounds and reasons upon which they are made. Briefs in support of and in opposition to the proposal may be filed with the department within the same thirty day period. Upon expiration of the period, the hearing shall be deemed closed, unless the department determines that the hearing should be reopened for the taking of further testimony or other proof.

6. Thereafter and with all convenient speed, the department shall render its decision, determining if it is or is not in the public interest or benefit to undertake the proposal. If the proposal is found to be in the public interest or benefit, the department shall determine the region of the state to be included in the study, survey and comprehensive planning, the minimum number of specific purposes for which the planning should be undertaken, the extent of the study, survey and planning involved and an approximate estimate of the cost of the study and survey.

7. Following this determination by the department, and before proceeding thereon, the petitioner for the survey and study decide within six months after the date of the department's determination whether to proceed with the survey and study or to withdraw its request therefor. Notice of its decision shall be given promptly to the

department. The department may grant one or more extensions of six months each to the petitioner to make its decision.

8. The area of the state within the corporate limits of the city of New York shall not be included, in whole or in part, in any region proposed by a petition, or as enlarged or as determined by the department under this section, which region includes in whole or in part the counties of Nassau or Suffolk, or either of them.