§ 15-1527. Permit required for certain wells in Long Island counties.

1. No person or public corporation shall hereafter install or operate any new or additional wells in the counties of Kings, Queens, Nassau or Suffolk to withdraw water from underground sources for any purpose or purposes whatsoever where the installed pumping capacity of any such new well or wells singly or in the aggregate, or the total installed pumping capacity of old and new wells on or for use on one property is in excess of forty-five gallons a minute without a permit pursuant to this title.

2. Such persons or public corporations operating or proposing to operate a well or wells in excess of such capacity in any of such counties shall be subject to all the provisions of this article relating to persons or public corporations, with the same force and effect as if they were supplying or proposing to supply water to the inhabitants of a municipal corporation or other civil division of the state. In taking action on such an application the department shall have authority to impose such conditions and make such requirements and limitations as may be necessary for the protection of the interests of the applicant and of the people of the state and may issue limited or revocable permits for such wells.

3. All new well permits shall be valid for a period of time not to exceed ten years from the date of issuance. The department shall develop a permit renewal application and a time schedule for permit renewals. Well permits may be renewed, including any modifications deemed appropriate by the department, and such renewal shall be considered valid for a period specified by the department but in any case shall not exceed a period of ten years from the date of reissuance or renewal.

4. All applications for new well permits, all applications for well permit renewals, and all reopened well permits shall be evaluated, notwithstanding any other requirements of this title, according to criteria established by rule or regulation of the department which shall include but not be limited to:

a. Specific yield of the aquifer segment in which the well is or will

be screened;

b. Requested rated capacity of well and anticipated or actual amount of withdrawal from such well, both seasonally and annually;

c. Whether the well site or proposed well site is in an over-stressed, transitional, or unstressed area;

d. The proposed use of the water; whether the water will be or is recharged or discharged to waste; and the likely quality of the water if it is or will be recharged;

e. The amount of withdrawal requested and its relationship to volume of recharge occurring locally as well as the relationship of the requested withdrawal to the regional level of withdrawal and recharge;

f. The degree of consistency between the requested rate of withdrawal and any regional water management plans; and

g. If the well is to be used by a water purveyor, either public or private, or a water authority, whether such purveyor or authority has an active and on-going water conservation program, leak detection program, and metering program.

In addition, the department shall vigorously apply subdivision two of section 15-1503 of this title in its decision-making process. The department shall determine whether the watershed, which in the case of Long Island shall mean the land surface that represents the recharge catchment area recharging water for each respective well, has been adequately protected. If the well is to be used as a public water supply by a water purveyor or water authority, the department shall require as a permit condition that the water purveyor or authority prepare and submit watershed rules and regulations as described pursuant to section eleven hundred of the public health law.

5. The department shall develop a system for categorizing the counties of Kings, Queens, Nassau and Suffolk into areas that are either

unstressed, transitional, or over-stressed with respect to the quality and/or quantity of the groundwater supply. For those areas which are considered to be over-stressed, as determined by the department, all valid well permits within this category shall be reopened in order to evaluate and possibly modify, add or delete any permit conditions or requirements. Special consideration shall be given to permit conditions aimed at reducing the levels of withdrawal and consumptive water use in over-stressed areas. The reopening of the well permits may be phased in over a five year period. All reopened well permits which are deemed by the department to be acceptable following review and any subsequent changes may be renewed and shall, if renewed, be valid for a period of time not to exceed ten years from the date of reissuance or renewal. Nothing in this title shall be considered to prohibit the department from revoking a permit following the review required by this title.

6. The provisions of this section shall not apply to the installation of a fire well to which no pumping equipment is permanently attached when such well is installed by a municipal corporation, fire district or duly organized fire company or fire department.

7. The provisions of this section shall apply to the use of water for agricultural purposes. The department shall, for the purposes of section 70-0116 of this chapter, make a finding of an emergency when a replacement well is needed during the growing season for a crop. Pursuant to section 70-0116 of this chapter, the department may issue an emergency authorization for the construction and operation of such replacement well.