

RESOLUTION 2022-42

SUBJECT: ADOPTION OF 6 NYCRR § 646-3 (WASTEWATER INSPECTION AND MANAGEMENT)

WHEREAS The Lake George Park Commission is established and authorized by Article 43 of the Environmental Conservation Law (ECL) to provide a means for the people who reside or visit within the Lake George Park to preserve, protect and enhance the unique natural and scenic resources of the lake, and

WHEREAS The Commission seeks to adopt rules and regulations, in conformity with the provisions of the Environmental Conservation Law (“ECL”), including Section 43-0110 requiring promulgation of rules and regulations relative to the discharge of sewage and treated sewage effluent onto the land or into the groundwater of the park to ensure optimum protection of ground and surface waters within the park, including sewage or treated sewage effluent applied to the soil or entering the groundwater through runoff, seepage, percolation, spray irrigation and ground and spring water flow through rule making pursuant to the State Administrative Procedure Act; and

WHEREAS the Commission authorized the publication of Notice of Proposed Rulemaking with supporting documentation under State Administrative Procedure Act for the proposed regulations to LGPC designated 6 NYCRR § 646-3; and

WHEREAS the Notice of Proposed Rulemaking with supporting documentation was published in the New York State Register on September 7, 2022; and

WHEREAS the public hearing on the proposed regulations was conducted by the Commission on November 22, 2022; and

WHEREAS the Commission has reviewed and responded to all comments made at the public hearing and received during the public comment period; and

WHEREAS the Commission has determined to make no substantive changes to the proposed revised regulations which were published in the New York State Register on September 7, 2022; and

WHEREAS the Commission adopted a Resolution Determining No Significant Impact and Issuing a Negative Declaration under the State Environmental Quality Review Act on April 26, 2022; and

WHEREAS the Commission has reviewed the following documents:

1. Notice of Adoption of Rule.
2. Full text of the proposed regulations of 6 NYCRR § 646-3 with the supporting documentation that was previously published in the New York State Register on September 7, 2022 with minor and incidental non-substantive and grammatical changes; and
3. Assessment of Public Comments; and

WHEREAS pursuant to ECL § 43-0110, the Commission consulted with each municipality within the Park, the NYS Department of Environmental Conservation and the Department of Health prior to the adoption of the proposed regulations of 6 NYCRR § 646-3 and is awaiting final approval from both Department; and

WHEREAS the Commission desires to adopt the proposed regulations of 6 NYCRR §646-3 as a final rule pursuant to SAPA, together with the Notice of Adoption, Assessment of Public Comment and all necessary statements and documents under SAPA; and

WHEREAS the Commission finds that the proposed regulations are necessary to enhance the protection of the water quality of Lake George and its tributaries

NOW, THEREFORE, BE IT RESOLVED that the proposed regulations regarding wastewater inspection and management, to be found in 6 NYCRR § 646-3, are hereby adopted as a final rule under SAPA of the Commission; and

BE IT FURTHER RESOLVED that the Executive Director is directed to submit formal requests for approval from the NYS Department of Environmental

Conservation and NYS Department of Health; and

BE IT FURTHER RESOLVED that upon receipt of formal approvals from the NYS Department of Environmental Conservation and NYS Department of Health, the Commission hereby authorizes the Chairman or Vice-Chairman, Executive Director and Counsel to file the Notice of Adoption of Rule, the text of the adopted rule, and all necessary supporting documentation to the Secretary of State for the publication in the State Register; and

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman, Executive Director and Counsel are hereby authorized to make any and all modifications to the aforesaid documents approved by the Commission as they may deem necessary and appropriate and to prepare and file any additional documents as may be necessary to complete publication of the adopted rule in the State Register and to comply with SAPA; and

BE IT FURTHER RESOLVED that the Executive Director and staff are hereby authorized and directed to take any and all necessary measures to implement the purposes of this resolution and the adopted regulation of 6 NYCRR §646-3.

Motion:_____

Seconded:_____

Ayes:_____

Nays:_____

Abstentions:_____

I certify that this resolution was duly adopted at a regular meeting of the Lake George Park Commission conducted on December 20, 2022 at Lake George, New York.

David Wick
Executive Director