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**WESTLAW** New York Codes, Rules and Regulations6 CRR-NY 704.2  
NY-CRROFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CHAPTER X. DIVISION OF WATER RESOURCES  
SUBCHAPTER A. GENERAL  
ARTICLE 2. CLASSIFICATIONS AND STANDARDS OF QUALITY AND PURITY  
PART 704. CRITERIA GOVERNING THERMAL DISCHARGES

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## 704.2 Criteria governing thermal discharges.

**(a) General criteria.**

The following criteria shall apply to all waters of the State receiving thermal discharges, except as provided in section 704.6 of this Part:

- (1) The natural seasonal cycle shall be retained.
- (2) Annual spring and fall temperature changes shall be gradual.
- (3) Large day-to-day temperature fluctuations due to heat of artificial origin shall be avoided.
- (4) Development or growth of nuisance organisms shall not occur in contravention of water quality standards.
- (5) Discharges which would lower receiving water temperature shall not cause a violation of water quality standards and section 704.3 of this Part.
- (6) For the protection of the aquatic biota from severe temperature changes, routine shut down of an entire thermal discharge at any site shall not be scheduled during the period from December through March.

**(b) Special criteria.**

The following criteria shall apply to all waters of the State receiving thermal discharges, except as provided in section 704.6 of this Part:

- (1) NontROUT waters.
  - (i) The water temperature at the surface of a stream shall not be raised to more than 90 degrees Fahrenheit at any point.
  - (ii) At least 50 percent of the cross sectional area and/or volume of flow of the stream including a minimum of one-third of the surface as measured from shore to shore shall not be raised to more than five Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin or to a maximum of 86 degrees Fahrenheit whichever is less.
  - (iii) At least 50 percent of the cross sectional area and/or volume of flow of the stream including a minimum of one-third of the surface as measured from shore to shore shall not be lowered more than five Fahrenheit degrees from the temperature that existed immediately prior to such lowering.
- (2) Trout waters (T or TS).
  - (i) No discharge at a temperature over 70 degrees Fahrenheit shall be permitted at any time to streams classified for trout.
  - (ii) From June through September no discharge shall be permitted that will raise the temperature of the stream more than

two Fahrenheit degrees over that which existed before the addition of heat of artificial origin.

(iii) From October through May no discharge shall be permitted that will raise the temperature of the stream more than five Fahrenheit degrees over that which existed before the addition of heat of artificial origin or to a maximum of 50 degrees Fahrenheit whichever is less.

(iv) From June through September no discharge shall be permitted that will lower the temperature of the stream more than two Fahrenheit degrees from that which existed immediately prior to such lowering.

(3) Lakes.

(i) The water temperature at the surface of a lake shall not be raised more than three Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin.

(ii) In lakes subject to stratification as defined in Part 652 of this Title, thermal discharges that will raise the temperature of the receiving waters shall be confined to the epilimnion.

(iii) In lakes subject to stratification as defined in Part 652 of this Title, thermal discharges that will lower the temperature of the receiving waters shall be discharged to the hypolimnion and shall meet the water quality standards contained in Part 703 of this Title in all respects.

(4) Coastal waters.

(i) The water temperature at the surface of coastal waters shall not be raised more than four Fahrenheit degrees from October through June nor more than 1.5 Fahrenheit degrees from July through September over that which existed before the addition of heat of artificial origin.

(ii) The water temperature at the surface of coastal waters shall not be lowered more than four Fahrenheit degrees from October through June nor more than 1.5 Fahrenheit degrees from July through September from that which existed immediately prior to such lowering.

(5) Estuaries or portions of estuaries.

(i) The water temperature at the surface of an estuary shall not be raised to more than 90 degrees Fahrenheit at any point.

(ii) At least 50 percent of the cross sectional area and/or volume of the flow of the estuary including a minimum of one-third of the surface as measured from water edge to water edge at any stage of tide, shall not be raised to more than four Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin or a maximum of 83 degrees Fahrenheit whichever is less.

(iii) From July through September, if the water temperature at the surface of an estuary before the addition of heat of artificial origin is more than 83 degrees Fahrenheit an increase in temperature not to exceed 1.5 Fahrenheit degrees at any point of the estuarine passageway as delineated above, may be permitted.

(iv) At least 50 percent of the cross sectional area and/or volume of the flow of the estuary including a minimum of one-third of the surface as measured from water edge to water edge at any stage of tide, shall not be lowered more than four Fahrenheit degrees from the temperature that existed immediately prior to such lowering.

(6) Enclosed bays.

No additional temperature change except that which occurs naturally shall be permitted in enclosed bays.

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