

Pursuant to the authority vested in the Commissioner of Health by Section 1100 of the Public Health Law, section 104.1 of Part 104 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby repealed, and a new section 104.1 is added thereto, to be effective upon filing with the Secretary of state, to read as follows:

MUNICIPAL CODE
ADDENDUM

RULES AND REGULATIONS PERTAINING TO CITY OF AUBURN AND TOWN OF OWASCO,
CAYUGA COUNTY, RE: PUBLIC WATER SAFETY

Section 104.1 City of Auburn and Town of Owasco, Cayuga County.

(a) Application. The rules and regulations set forth in this section, duly made and adopted in accordance with the provisions of Sections 1100-1107 of the Public Health Law, shall apply to Owasco Lake and its tributaries, which is a source of the public water supply for both the city of Auburn and the town of Owasco, Cayuga County, New York, and to all watercourses tributary thereto or which may ultimately discharge into said lake.

(b) Definitions.

(1) Agricultural associated animal waste shall mean manure obtained from agricultural industries.

(2) Agricultural associated animal waste area shall mean land used for the deposition of agricultural associated animal waste on the surface of the ground for fertilization purposes.

(3) Agricultural associated animal waste storage area shall mean land used for the temporary or permanent deposition of agricultural associated animal waste where said deposition is not directly for the purpose of fertilization.

(4) Chloride salt shall mean the solid compounds or solutions of potassium chloride (commonly used as fertilizer) calcium chloride (commonly used for winter-road maintenance) or sodium chloride (commonly used for water-softener regeneration).

(5) Herbicide shall mean any substance used to destroy or inhibit plant growth.

(6) Human excreta shall mean human feces and urine.

(7) Junkyard shall mean an area where two or more unregistered old or secondhand motor vehicles are being accumulated for purposes of disposal, resale of used parts, or reclaiming certain materials such as metal, glass, fabric and/ or the like.

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(8) Lake shall mean Owasco Lake.

(9) Linear distance shall mean the shortest horizontal distance from the nearest point of a structure or object to the optimum high water mark of the lake to the edge, margin or precipitous bank forming the optimum high water mark of a water course.

(10) Manure shall mean animal feces and urine.

(11) Nonagricultural associated animal waste shall mean manure obtained from nonagricultural industries.

(12) Optimum high water mark shall mean 717.13 feet above sea level using United States Geological Survey datum.

(13) Pesticide shall mean any substance used to destroy or inhibit pests such as rodents and insects.

(14) Pollutant shall mean dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial and municipal waste and agricultural and nonagricultural associated animal waste.

(15) Radiation shall mean ionizing radiation, that is any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave or visible, infrared or ultraviolet light.

(16) Radioactive material shall mean any material in any form that emits radiation spontaneously.

(17) Refuse shall mean all putrescible and nonputrescible wastes including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

(18) Refuse disposal area shall mean land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a number of which is the owner, occupant or lessee or said land, or any part of a farm on which only agricultural associated animal wastes resulting from the operation of such farm are deposited.

(19) Sewage shall mean any liquid or solid waste matter from a domestic, commercial, private or industrial establishment which is normally carried off in sewers or waste pipes.

(20) Sewage disposal system shall mean any system used for disposing of sewage, and includes treatment works.

(21) Toxic substance shall mean any toxic substance as so defined by subdivision two of section 4801 of the Public Health Law.

(22) Treatment works shall mean any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, constructed drainage ditch or surface water intercepting ditch, incinerator, or area devoted to sanitary landfills or other works not specifically mentioned in this paragraph, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.

(23) Watercourse shall mean every spring, stream, marsh or channel of water of any kind numbered on the latest Owasco Lake Watershed Base Map of the Central New York Regional Planning and Development Board.

(24) Watershed shall mean the entire drainage area contributing water to Owasco Lake.

(25) Water supply shall mean the public water supply of both the city of Auburn and town of Owasco, New York, from Owasco Lake.

(c) General Prohibitions. No person, including State agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in part 170 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR Part 170.)

(d) Specific prohibitions.

(1) Agricultural associated animal waste area. No agricultural associated animal waste area shall be located within a 250 foot linear distance of the lake or watercourse. Beyond that distance such area shall

be maintained in such manner that surface run-off will not carry agricultural associated animal waste directly into the lake or watercourse.

(2) Cemeteries. No interment of a human body shall be made within a 250 foot linear distance of the lake or watercourse.

(3) Chloride salt. No chloride salt shall be stored within a 500 foot linear distance of the lake or watercourse except in weatherproof buildings or watertight vessels.

(4) Herbicides and pesticides. No herbicides or pesticides shall be stored, discharged, applied or allowed to enter into the lake or watercourse unless a permit to do so has been obtained from the appropriate State agency having jurisdiction.

(5) Human excreta and sewage.

(i) No human excreta or sewage shall be deposited or allowed to escape into Owasco Lake or any watercourse on the watershed.

(ii) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed. Composted sludge, pursuant to a permit issued by an appropriate State or local agency having jurisdiction, if any, shall be allowed.

(iii) No human excreta or sewage shall be buried in soil on the watershed unless deposited in trenches or pits at a linear distance of not less than 250 feet from the lake or watercourse with a minimum vertical distance of five feet from the bottom of any trench or pit to groundwater and covered with not less than one foot of soil in such a manner as to effectually prevent its being washed into the lake or watercourse by rain or melting snow.

(iv) No privy receptacle or facilities of any kind for the deposit, movement, treatment or storage of human excreta or sewage shall be constructed, placed, maintained or allowed to remain a 100 foot linear distance of the lake or watercourse except (a) watertight receptacles; (b) water-flushed toilets connected by a watertight pipe to a sewage disposal system that has been approved by the appropriate State Agency having jurisdiction over such facilities; and (c) a properly designed, constructed and operated treatment works that been approved by the appropriate State agency having jurisdiction over such facility.

(v) No portion of the seepage unit (title field, seepage pit or equivalent) or a subsurface sewage disposal system shall be constructed, placed or rebuilt within a 100 foot linear distance of the lake or watercourse. All systems constructed must have a vertical distance of at least two feet from the lowest portion of the system to the high water mark. An exemption may be granted by the County Health Department for the repair of an existing system within 100 linear feet of the lake or watercourse.

(vi) Every watertight receptacle used for containing human excreta or sewage shall be emptied when the receptacle is filled to within six inches of the top.

(vii) In emptying a watertight receptacle or in transferring its contents to a transportable receptacle, all necessary care shall be exercised to prevent contamination of the lake or watercourse. All such transportable receptacles shall be provided with drip-proof connections and tight-fitting covers which are securely fastened when transporting wastes to the place of ultimate disposal. The contents of the watertight receptacles shall be disposed of in accordance with subparagraph (iii) of this paragraph or at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate State agency having jurisdiction over such facility.

(viii) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the appropriate State agency having jurisdiction over such facility. Standards for waste treatment works are published from time to time by the appropriate State agency having jurisdiction over such facility and

subparagraph (v) of this paragraph shall comprise the criteria to approve any proposed disposal system.

(ix) When an existing subsurface sewage disposal system fails, the entire system must be inspected and the site thoroughly evaluated in a manner acceptable to the appropriate State or county health agency having jurisdiction over such facility, prior to modifications or alterations to the existing system.

(x) No sewage or polluted liquid of any kind shall be discharged or allowed to flow beneath the surface of the ground on the watershed except into watertight pipes connected to a sewage disposal system or holding tank approved in accordance with subparagraph (iv) of this paragraph.

(xi) In-house composting facilities of the type that make use of human excreta *, washwaters and sink wastes will be acceptable provided that properly designed systems for the disposal of gray water are included within the plans for their constructions and are approved by the appropriate State or county health agency having jurisdiction over such facilities.

(6) Junkyards. No junkyard shall be permitted within a 100 foot linear distance of the lake or watercourse.

(7) Manure. Manure shall not be field spread within 75 feet of the lake or watercourse unless it is plowed underground on the same day it is spread.

(8) Radioactive material. No radioactive material of any quantity shall be buried or in any other manner disposed of within the Owasco Lake Watershed.

(9) Refuse. No refuse shall be deposited on or beneath the surface of ground within a 250 foot linear distance of the lake or watercourse.

(10) Refuse disposal area. No new refuse disposal areas shall be located within 500 feet of the lake or watercourse. All refuse disposal areas on the watershed shall comply with the regulations governing their operation as outlined by Part 360 of Title 6 of the Official Compilation of Codes, Rules and regulations of the State of New York.

*So in original.

(11) Structures. No hut, tent, shelter, or building of any kind, except a waterworks structure, shall be permitted on the water or ice within 500 feet of any water supply intake by either the City of Auburn or the Town of Owasco.

(12) Toxic Substances. No container used for the storage of toxic substances shall be buried beneath the surface of the ground within a 500 foot linear distance of the lake or watercourse, except as otherwise permitted by the provisions of subparagraph (x) of Paragraph (5) of this subdivision.

(13) Other wastes. No pollutant of any kind shall be discharged, deposited, or allowed to flow into the lake or watercourse or on or beneath the surface of the ground or watershed within 500 feet of the lake or watercourse, except as otherwise permitted by the provisions of subparagraph (x) of paragraph (5) of this subdivision. This restriction shall not apply to the effluent from a treatment works installed in accordance with plans which have been first submitted to and approved by the appropriate State agency having jurisdiction over such as facilities.

(e) Inspection. The Mayor and Council of Auburn and the town board of the town of Owasco or any person or persons charged with the maintenance or supervision of the public water supply system shall by its officers or their duly appointed representative make regular and thorough inspections of the reservoir, watercourses and watershed to ascertain compliance with the rules and regulations set forth in this section. It shall be the further duty of the aforesaid local governments to promptly notify the State Commissioner of Health of such violations. The aforesaid local governments shall report to the State Commissioner of

Health in writing annually, prior to the 30th day of January, the results of the regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

(f) Penalties for Violations. Penalties for violations of this section shall be those specified by Section 1103 of the Public Health Law.