

**PART 131****ONONDAGA COUNTY**

(Statutory authority: Public Health Law, § 1100)

Sec.

**CITIES**

131.1 City of Syracuse, Onondaga County

**VILLAGES**

131.2 Village of East Syracuse

**COMPANIES**

131.50 Onondaga County Water Authority

**CITIES****§ 131.1 City of Syracuse, Onondaga County**

(a) *Application.* The rules and regulations set forth in this section duly made and enacted in accordance with the provisions of sections 1100-1107 of the Public Health Law shall apply to the source of the public water supply of the City of Syracuse. Said water supply is Skaneateles Lake located approximately 19 miles southwest of the City of Syracuse along NYS Route 20. It is situated within parts of Onondaga, Cayuga, and Cortland Counties. The lake is one of the Central New York Finger Lakes and is a multiple use lake/reservoir with a lake surface area of 13.6 square miles and a watershed land drainage area of 58.9 square miles. The watershed drainage area appears on the 7.5-minute quadrangle maps (revised in 1951) for Marcellus, Skaneateles, Owasco, Spafford, Homer, Sempronius and Otisco Valley. The location of the watershed drainage boundary as it applies to these rules and regulations is determined by Geographic Information System maps maintained by the City of Syracuse. Where there is a discrepancy between the maps and field observations, a site evaluation by designated supplier of water personnel will be the method of verifying this boundary. Their determination shall be final. Maps delineating this boundary can be reviewed at the City of Syracuse Water Treatment Plant, 20 West Genesee Street, Skaneateles, NY, or New York State Department of Health, Bureau of Public Water Supply, Flanigan Square, 547 River Street, Troy, NY 12180-2216.

(b) *Definitions.* (1) *AA* is the water quality classification of Skaneateles Lake as described in 6 NYCRR Part 703 and designated in 6 NYCRR Part 896.

(2) *Accessory structure* shall mean a detached structure located on or partially on the premises which is not used or not intended to be used for living, sleeping, cooking or eating quarters by human occupants.

(3) *Agricultural associated animal waste* shall mean manure, including liquid or solid mixtures containing manure, obtained from agricultural activities.

(4) *Agricultural activities* shall include, but are not limited to, practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including manure processing and handling, and practices of a commercial horse boarding operation, as defined in section 301(2) and (13) of the Agriculture and Markets Law as amended through November 1, 1998.

(5) *Aquifer* shall mean a consolidated or unconsolidated geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells, springs, or infiltration galleries.

(6) *Chloride salt* shall mean any bulk quantities of chloride compounds or other deicing compounds intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute eight percent or more of the mixture. A *bulk quantity of chloride compounds* means a quantity of 1,000 pounds or more, but does not include any chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

(7) *Commercial building* shall mean a structure which is wholly or partially used or intended to be used for commercial or municipal purposes, including, but not limited to, municipal highway departments and fire departments buildings, marinas, gas stations, stores, markets or shops or any kind, clubs, and car dealerships.

(8) *Commissioner of Health* unless otherwise noted, shall mean the Commissioner of Health of the State of New York.

(9) *Designated representative* means the health commissioner or health officer of a city of 50,000 population or over, or the health commissioner or health officer of a county or part-county health district, the state regional health director, or district director having jurisdiction; a public health director or public health engineer qualified as duly appointed pursuant to part 11 of the State Sanitary Code; or a county health commissioner, or county health director having the powers and duties prescribed in section 352 of the Public Health Law, or any other individual so designated by the Commissioner of Health of the State of New York.

(10) *Developer* shall mean a person, partnership, corporation, or other legal entity undertaking or participating in any development. *Development* shall refer to the construction of any dwellings, commercial buildings or site improvements.

(11) *Disposal* shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive material, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater shall remain on the land or water and will not be removed.

(12) *Dwelling* shall mean any building or structure which is wholly or partly used or intended to be used for living, sleeping, cooking, or eating quarters by human occupants.

(13) *Environmental assessment form (EAF)* shall mean the form used by an agency to assist it in determining the environmental significance of actions as defined in 6 NYCRR Part 617.

(14) *Farm* is defined as land used in a single operation for the production for sale of crops, livestock or livestock products of an average (over the past two years) gross sales value of \$10,000 or more.

(15) *Fertilizer* shall mean any commercially produced mixture generally containing phosphorous, nitrogen, or potassium, and which is applied to the ground to increase nutrients to plants.

(16) *Flood plain (100-year)* shall mean the land contiguous to streams, ponds, estuaries, and lakes which would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

(17) *Groundwater* shall mean any water beneath the land surface in the saturated zone.

(18) *Hazardous material* shall mean any substance listed in or exhibiting characteristics identified in either 6 NYCRR Part 371 or 6 NYCRR Part 597.

(19) *Herbicides* shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any vegetation, and being those substances defined as herbicides pursuant to section 33-0101 of the Environmental Conservation Law.

(20) *Human excreta* shall mean human feces and urine.

(21) *Junkyard* is a solid waste management facility as defined in 6 NYCRR section 360-1.2(b)(15) and (16).

(22) *Lake* shall mean Skaneateles Lake.

(23) *Linear distance* shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water mark of the lake, which is City of Syracuse datum 863.27 feet above sea level, or to the edge, margin, or steep bank forming the ordinary high water mark of the lake or watercourse.

(24) *Manure* shall mean animal feces and urine.

(25) *Non-agricultural associated animal waste* shall mean manure obtained from non-agricultural sources.

- (26) *Non-point discharge* shall mean any source of water pollution or pollutants which is not a discrete conveyance or point source permitted pursuant to title 7 or 8 of article 17 of the Environmental Conservation Law.
- (27) *NYSDEC* shall mean the New York State Department of Environmental Conservation.
- (28) *NYSDOH* shall mean the New York State Department of Health.
- (29) *Open storage* shall mean the holding of any material in such a way that the material is exposed to the elements of nature.
- (30) *Pail service*. This service has been in existence since approximately 1916 to service those residences that were limited by physical constraints from installing onsite wastewater treatment works. *Pail service* shall mean the collection of containerized human waste from privies. This service is provided by the City of Syracuse. Steel containers are supplied to residences that are currently receiving service. The containers, when full, are collected by City personnel and emptied into a concrete holding tank on City owned property in the Town of Sempronius, Cayuga County. The storage and transport of this waste are permitted by the NYS Department of Environmental Conservation under 6 NYCRR Parts 360 and 364. Pumping of the holding tank is done as needed by a licensed waste hauler as required by 6 NYCRR Part 364.
- (31) *Pesticide* shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and being those substances defined as pesticides pursuant to section 33-0101 *et seq.* of the Environmental Conservation Law.
- (32) *Point source discharge* shall mean pollutants discharged from a point source as defined in section 17-0105 of the Environmental Conservation Law.
- (33) *Privy* shall be as defined in the NYSDOH publication, *Individual Residential Wastewater Treatment Systems Design Handbook* (1996).
- (34) *Protection zone* shall mean any of the watershed management zones, zones I, II and III as described in paragraphs (54)-(56) of this subdivision.
- (35) *Radioactive material* shall mean any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials whose receipt, possession, use, and transfer are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or United States Nuclear Regulatory Commission.
- (36) *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.
- (37) *Recyclables handling and recovery facility* shall mean a solid waste management facility, other than a pickup or transfer vehicle, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected for storage, or off-site shipment as defined in section 27-0701 *et seq.* of the Environmental Conservation Law and 6 NYCRR Part 360.
- (38) *Septage* shall mean the contents of a septic tank, cesspool, or other individual wastewater treatment work, which receives domestic sewage wastes.
- (39) *Silviculture* shall mean the art, science and practice of controlling the establishment, growth, composition, health and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis.
- (40) *Sludge* shall mean the solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.
- (41) *Solid waste* shall mean all putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commer-

cial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, and being those wastes defined as solid waste pursuant to section 27-0701 *et seq.* of the Environmental Conservation Law and 6 NYCRR Part 360.

(42) *Solid waste management facility* shall mean any facility employed beyond the initial waste collection process, including, but not limited to, transfer stations, bailing facilities, rail haul or garbage haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting, or pyrolyzation of solid wastes, incinerators, and other solid waste disposal, reduction, or conversion facilities, as defined in section 27-0701 *et seq.* of the Environmental Conservation Law and 6 NYCRR Part 360.

(43) *Spill* shall mean any escape of a substance from the containers employed in storage, transfer, processing, or use.

(44) *State Pollutant Discharge Elimination System (SPDES)* shall mean the system established pursuant to article 17, title 8 of State Environmental Conservation Law for issuance of permits authorizing discharges to the waters of the State of New York.

(45) *Stormwater runoff recharge basin* shall mean a man-made device capable of retaining surface water runoff to induce groundwater infiltration.

(46) *Subdivision* shall mean any tract of land which is divided, after the effective date of this Part, into two or more lots, plots, sites or other division of land for the purpose of sale or rent, or development regardless of whether the lots, plots or sites to be sold or offered for sale, or leased or rented for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description.

(47) *Supplier of water* shall mean the City of Syracuse, a municipal corporation, organized and existing under the laws of New York State, and having offices at City Hall, Syracuse, NY 13202. The City of Syracuse is the owner and operator of the public water supply facilities located within the watershed protection zones as described in paragraphs (55)-(57) of this subdivision.

(48) *USDA NRCS* shall mean the United States Department of Agriculture Natural Resources Conservation Service.

(49) *Wastewater* shall mean aqueous carried waste including, but not limited to, dredge spoil, solid waste, hazardous waste, incinerator ash residue, septage, garbage, refuse, sludge, chemical waste, infectious waste, biological material, radioactive materials, heat, and industrial, municipal, and agricultural waste.

(50) *Wastewater treatment works* shall mean any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, collection or distribution pipe, on-site disposal system and seepage unit, or other work installed for the purpose of transport, treatment, neutralization, stabilization, storage, or disposal of wastewater.

(51) *Watercourse* shall be considered "waters" or "waters of the state" as defined in section 17-0105 of the Environmental Conservation Law and further described as being annual or perennial, influent or effluent, continuously or intermittently flowing and include those classified in 6 NYCRR Part 896. The banks of such watercourse shall be identifiable, *i.e.*, defined bed, banks, gullies, ravines, etc., that are capable of, and do under normal conditions, carry water in a manner described above. Road ditches and shallow land depressions generally referred to as grassed waterways, swales, etc., that carry water only immediately (a few to several hours) after a runoff producing event are not considered a watercourse. A map delineating the watercourses of the watershed can be reviewed at the City of Syracuse Water Treatment Plant at 20 West Genesee St., Skaneateles, NY, and the New York State Department of Health, Bureau of Public Water Supply, Flanigan Square, 547 River Street, Troy, NY 12180-2216. Where there is a discrepancy between the maps and field observations, a site

evaluation by designated supplier of water personnel will be the method of verifying whether or not a particular channel is a watercourse. Their determination shall be final.

(52) *Watershed* shall mean that land area which contributes water to the lake, watercourse, aquifer, or aquifer recharge area and shall include the three designated protection zones known as zone I, zone II, and zone III as described in paragraphs (57)-(59) of this subdivision.

(53) *Watershed protection zone* shall mean the land area, known as zone III, which is tributary to zones I and II described in paragraph (59) of this subdivision and is the tributary surface area from which the lake, watercourse, and aquifer are replenished by runoff. Maps delineating this zone can be reviewed at the City of Syracuse Water Treatment Plant, 20 West Genesee Street, Skaneateles, NY, New York State Department of Health, Bureau of Public Water Supply, Flanigan Square, 547 River Street, Troy, NY 12180-2216.

(54) *Water supply* shall mean the public water supply of the City of Syracuse.

(55) *Water supply protection zones* shall mean the lake surface areas known as zones I and II described in paragraphs (57)-(58) of this subdivision. Maps delineating these zones can be reviewed at the City of Syracuse Water Treatment Plant, 20 West Genesee Street, Skaneateles, NY, and, New York State Department of Health, Bureau of Public Water Supply, Flanigan Square, 547 River Street, Troy, NY 12180-2216.

(56) *Whole Farm Planning Program*, established by the Supplier of Water and known as the Skaneateles Lake Watershed Agricultural Program (SLWAP), shall mean that program designed to implement management practices on farms (farms as described in paragraph [14] of this subdivision) in order to eliminate or minimize sources of non-point source pollution. Under this program a specific plan is developed for each farm by SLWAP in accordance with the USDA - NRCS Conservation Practice Standard code NY312 (January 8, 1999) and the plan is accepted by the farmer. A copy of the plan is on file at the SLWAP office, 2571 Route 11, Suite 3, Lafayette, NY 13084.

(57) *Zone I* shall mean the area within a 500-foot radius of the water supply intakes.

(58) *Zone II* shall mean the entire lake surface area excluding zone I.

(59) *Zone III* shall mean the entire tributary watershed to the lake, watercourse, aquifer or aquifer recharge area.

(c) *General provisions.* (1) The manufacture, use, storage, disposal, or discharge of any product, material, or byproduct, including, but not limited to, wastewater, solid waste, or any pollutant within the identified protection zones must conform to the requirements of these rules.

(2) Copies of permit applications and notices of intent for proposed building activities that involve land or shoreline disturbance within the watershed shall be forwarded to the supplier of water, by the applicant, at the same time it is submitted to the agency having jurisdiction. Notification shall be at the earliest stages of the application process including a informal or formal pre-application review stage (*i.e.*, preliminary sketches, drawings, proposals, etc.) for any proposed activities so as to allow the supplier of water to be included in the review of any proposed activities within the watershed at the initial planning stages. Where applicable, any comments by the supplier of water must be submitted within the statutory or procedural time frames of the permitting agency. Copies of all permits issued shall be sent to the supplier of water by the applicant.

(3) Point source discharges are prohibited as described in section 17-1709 of the Environmental Conservation Law.

(4) Any person, agency, or entity preparing an environmental impact statement (draft and final) for a project or activity in zone I, II or III shall file a copy with the Commissioner of Health, the Onondaga County Health Department, the health department of the county within which the project or activity is proposed, and the supplier of water.

(5) Spills. Within any of the herein defined protection zones, any person who is the owner of, or in actual or constructive possession or control of a hazardous material, petroleum, or radioactive material, or any agent or employee thereof, or any person who has knowledge of

any spill, as defined in subdivision (b) of this section, of any hazardous material, petroleum, or radioactive material to the ground surface or any watercourse, shall notify the supplier of water, the New York State Department of Environmental Conservation, Onondaga County Department of Health, and the health department of the county in which the spill occurred. Notwithstanding any of the foregoing provisions, all spills shall be reported pursuant to article 12 of the Navigation Law and section 17-1743 of the Environmental Conservation Law.

(6) Transportation of hazardous materials is prohibited except under permit of the New York State Department of Transportation pursuant to section 14-F of the Transportation Law and 17 NYCRR Part 507.

(7) Disposal of snow or ice from the plowing of public or private roads, driveways, parking lots, etc., into the lake or watercourse is prohibited except for incidental deposition from plowing operations.

(d) *Specific regulations: zone I.* (1) Water use.

(i) All recreational use including boating, swimming, and fishing is prohibited within 500 feet of water supply intakes. Notification of the public of these restrictions shall be made by the posting of signs in appropriate places.

(ii) No solid or liquid waste, hazardous material, herbicide, pesticide, or other material that may have a detrimental impact on water quality shall be discharged, placed, applied, or thrown into waters in this zone.

(iii) Waste disposal systems for watercraft shall be designed, installed and maintained in accordance with standards established in section 33-a of the Navigation Law. Said facilities are to be modified to prevent any discharge to the waters of Skaneateles Lake. Servicing and pump-out of holding tanks on watercraft shall be performed at facilities permitted by NYSDEC and county health departments having jurisdiction.

(e) *Specific regulations: zone II.* (1) No solid or liquid waste, hazardous material, herbicide, pesticide, or other material that may have a detrimental impact on water quality shall be discharged, placed, applied or thrown into waters in this zone except as determined necessary by the supplier of water for preservation of water quality subject to approval by the Commissioner of Health or his/her designated representative and the NYSDEC.

(2) Waste disposal systems for watercraft shall be designed, installed and maintained in accordance with standards established in section 33-a of the Navigation Law. Said facilities are to be modified to prevent any discharge to the waters of Skaneateles Lake. Servicing and pump-out of holding tanks on watercraft shall be performed at NYSDEC permitted facilities.

(f) *Specific regulations: zone III.* (1) Wastewater treatment works.

(i) All individual household wastewater treatment works receiving domestic wastewater without the admixture of industrial or other wastes, as those terms are defined in section 17-0701 of the Environmental Conservation Law, in quantities of less than 1000 gallons per day shall be designed, installed, and maintained in accordance with the standards established in Part 75 (Appendix 75-A) of this Title, and the NYSDOH publication: *Individual Residential Wastewater Treatment Systems Design Handbook* (1996). Room for a 50 percent expansion of the leaching component of wastewater treatment works shall be provided for conventional and alternative systems. Room for a 100 percent expansion of the leaching component of the wastewater treatment works is recommended for alternative systems. In both cases, lineal separation distance requirements shall be met based upon the actual leaching area plus the expansion area. The authority to approve individual household treatment works shall rest with the NYSDOH or the county health department having jurisdiction. Approval may be denied when rapid percolation, as defined in Part 75 (Appendix 75-A) of this Title is found.

(ii) The absorptive component of all wastewater treatment works shall be a minimum of 100 feet linear distance from the lake or watercourse.

(iii) (a) Land-based holding tanks shall not be installed for new construction (*i.e.*, full-time or part-time occupancy). Land-based holding tanks may be permitted as replace-

ments for existing failing land-based holding tanks, as replacement systems for pail service, or for those cases where a land-based holding tank is the only possible repair or replacement alternative for an existing onsite wastewater treatment system where conditions preclude the replacement of onsite wastewater treatment systems due to parcel size limitations, poor soil conditions, or insufficient depth to bedrock or groundwater. All holding tanks shall be designed, installed, and maintained in accordance with the standards established in the NYSDOH publication, *Individual Residential Wastewater Treatment Systems Design Handbook* (1996). The authority to approve the installation of land-based holding tanks shall rest with the NYSDOH or the county health department having jurisdiction.

(b) Land-based holding tanks shall not be placed within a 50-foot lineal distance of the lake or a watercourse.

(c) Land-based holding tanks shall be equipped with audio or visual alarms indicating that the tank is 80 percent full. Pumping of all tanks shall be accomplished by a licensed waste hauler as described in 6 NYCRR Part 364. A log of dates when the tank was pumped shall be maintained by the owner of said dwelling indicating when the tank was pumped. The log shall include receipts submitted to the property owner by the waste hauler for the pumping. The log and receipts shall be made available upon request of the NYSDOH or county health department having jurisdiction or the supplier of water.

(d) If site conditions, including but not limited to proximity to the lake or watercourse, steep slopes, erodible or unstable soils or high groundwater indicate that the installation of a new land-based holding tank, or the continued use of an existing land-based holding tank would pose an immediate potential for contamination to the lake or watercourse if it were to leak, additional safeguards will be required. These safeguards may include, singly or in combination, such mitigating measures as runoff and groundwater diversion structures, structural supports to prevent movement, secondary containment structures around the land-based holding tank and system components, or mandatory pumping intervals.

(e) The term *continued use* in clause (d) of this subparagraph shall pertain to those situations where the tank has failed and remedial action is necessary.

(iv) New construction of privies shall be allowed if constructed as outlined in the NYSDOH publication, *Individual Residential Wastewater Treatment Systems Design Handbook* (1996), and where approval from the NYSDOH or county health department having jurisdiction is obtained, and they are not within a 100-foot lineal distance from a watercourse or 300 foot lineal distance from the lake, and one of the following criteria are met:

(a) pumping of a self-contained vault-type privy shall be done by a licensed waste hauler as described in 6 NYCRR Part 364 when the contents are within 18" from the top of the vault, and a log (including receipts for pumping services) are maintained and made available to the supplier of water as outlined in clause (iii)(c) of this paragraph; or

(b) for a sanitary pit privy, a test hole of not less than six feet is dug and witnessed by a City of Syracuse watershed inspector prior to construction to ensure a minimum of a two foot separation from the bottom of the proposed pit to seasonal high groundwater and/or bedrock, and the pit shall be cleaned, pumped, or material buried in place when the contents are within 18" of ground level provided:

(1) if cleaned, the material shall be buried no less than 300 feet from the lake or 100 feet from a watercourse with no less than 18" of soil cover; or

(2) if pumped, the pumping and disposal shall be effected by a licensed waste hauler as described in clause (iii)(c) of this paragraph; or

(3) the privy can be moved in accordance with this section, and the pit filled to ground surface level with no less than 18" of soil and tamped down.

(v) The alteration, addition or repair of existing privies shall be allowed if constructed as outlined in the NYSDOH publication, *Individual Residential Wastewater Treatment Systems Design Handbook* (1996) and the criteria set forth in clause (iv)(a) or (b) of this paragraph is

met, and where approval from the NYSDOH or county health department having jurisdiction is obtained. An existing privy may be allowed to remain within 300 lineal feet of the lake and/or within 100 lineal feet of the watercourse if the bottom of the pit is at least two feet above bedrock and/or maximum high groundwater and grading is such that surface water is prevented from entering the pit.

(vi) The use of wastewater treatment works, other than individual household systems, with design flows greater than 1000 gallons per day are subject to the approval and enforcement authority of the NYSDEC and the county health department having jurisdiction.

(vii) Any alteration, addition or repair of an existing wastewater treatment works shall conform to Part 75 (Appendix 75-A) of this Title and the NYSDOH publication *Individual Residential Wastewater Treatment Systems Design Handbook* (1996). If conformance is not possible for reasons including, but not limited to insufficient or limited available area on the parcel, or limiting soil conditions, a specific waiver may be granted, pursuant to Part 75 of this Title by the NYSDOH or county health department having jurisdiction subject to the review, recommendation and comment by the supplier of water. This waiver may include such requirements as deemed necessary to assure the protection of the source of water. The granting of this waiver is subject to the applicant demonstrating that the alternatives have been investigated and the design alternative selected is one that minimizes the risk of contamination to the lake or watercourse and maximizes the utilization of the usable area and conditions of the site. Prior to the alteration, addition or repair, notification of the proposed action shall be made to, NYSDOH or county health department having jurisdiction and to the supplier of water. Approval from the NYSDOH or county health department having jurisdiction for the alteration, addition or repair shall be obtained.

(viii) No new construction or alteration, addition or change of use (for example, conversion from seasonal to year-round residence) of existing dwellings or commercial buildings shall be undertaken, until such time as the supplier of water and the NYSDOH or county health department having jurisdiction has been notified, and the NYSDOH or county health department having jurisdiction has:

- (a) issued an approval for the construction of a new wastewater treatment works; or
- (b) issued an approval for the alteration, addition or repair of the existing wastewater treatment works; or
- (c) issued a written notice indicating acceptance of the existing treatment works for the proposed construction, alteration, addition or change in use.

(ix) All proposed installations for new construction of wastewater treatment works, excluding privy installation, shall be designed by a design professional as defined in Part 75 (Appendix 75A) of this Title. The health department having jurisdiction may require that the alteration, addition or repair of existing wastewater treatment works be designed by a design professional where determined necessary to assure conformance with provisions of subparagraph (vii) of this subdivision. Approval from the NYSDOH or county health department having jurisdiction for the construction or alteration, addition or repair must be obtained.

(x) All site and soil appraisals for new construction or alteration, addition or repair of existing treatment works, as described in Part 75 (Appendix 75-A) of this Title and the NYSDOH publication, *Individual Residential Wastewater Treatment Systems Design Handbook* (1996) shall be witnessed by a City of Syracuse watershed inspector.

(xi) Required soil analyses should be conducted during the season of highest groundwater levels to insure proper design. This interval is generally between March 15th and June 30th. If the soil analysis is conducted at a time other than specified above, soil mottling and discoloration readings shall be used to establish the highest groundwater levels and, if questions arise as to the suitability of the site for system installation, observation of groundwater levels during a period of seasonal wetness may be required.

(xii) Pail service shall be replaced by other methods as described in Part 75 (Appendix 75-A) of this Title and the NYSDOH publication, *Individual Residential Wastewater Treat-*

*ment Systems Design Handbook* (1996) subject to the approval of the NYSDOH or county health department having jurisdiction.

(xiii) Review by supplier of water. All applications and design drawings for the construction of new or alteration, addition or repair of existing wastewater treatment works, including privies, shall be submitted by the applicant, to the supplier of water for review, recommendation, or comment as outlined in paragraph (c)(2) of this section. Copies of all approvals issued shall be sent to the supplier of water by the NYSDOH or county health department having jurisdiction.

(2) Septage and sludge.

(i) Storage of septage, sludge, or human excreta, other than storage associated with the operation of an individual wastewater treatment works or as pertains to the City of Syracuse pail service is prohibited.

(ii) The land application of septage, sludge, or human excreta is prohibited.

(iii) Burial of human excreta is prohibited except as described in subparagraphs (1)(iv) and (v) of this subdivision.

(3) Animal waste storage and disposal. Areas used for the storage, stockpiling, or disposal of non-agricultural or agricultural associated animal waste shall:

(i) be in conformance with the publication *Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State* May 1996, published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 625 Broadway, Albany, NY 12233. The publication is available for public inspection and copying from The Bureau of Public Water Supply Protection, Flanigan Square, 547 River Street, Troy, NY 12180-2216; or

(ii) conform to the plan developed by the Whole Farm Planning Program.

(4) Fertilizer and manure use.

(i) Open storage of fertilizers is prohibited.

(ii) Use of fertilizers and land application of manure shall:

(a) be in conformance with the publication defined in paragraph (3) of this subdivision; or

(b) conform to the plan developed by the Whole Farm Planning Program.

(iii) Fertilizer shall not be applied in a manner or at a rate which contravenes the water quality standards set forth in 6 NYCRR Parts 700-705.

(5) Pesticide storage and use.

(i) Pesticide storage and use are subject to the approval and enforcement authority of the New York State Department of Environmental Conservation.

(ii) Pesticides shall not be applied in a manner or at a rate which contravenes the water quality standards set forth in 6 NYCRR Parts 700-705.

(iii) Use of streams as a source of water or for make-up water or washing of equipment used in conjunction with pesticides without the use of an anti-siphoning device in accordance with 6 NYCRR Part 325 is prohibited.

(6) Sediment generation and control.

(i) Farm tillage practices shall:

(a) be in conformance with the publication defined in paragraph (3) of this subdivision; or

(b) conform to the plan developed by the Whole Farm Planning Program.

(ii) Pertaining to this paragraph, the term *environmentally sensitive area* shall be defined as those areas that meet any or all of the following criteria:

(a) land within 300 feet of the lake or watercourse;

- (b) areas with slopes greater than 15 percent;
- (c) within 300 feet of or within areas defined by the NYSDEC as wetlands;
- (d) soils that are highly erodible, where *highly erodible* is defined as: areas with soils that pose a high risk of erosion, or severe limitations on structure or sewage disposal system construction, and are identified as lands with some or all of the following conditions:
  - (1) shallow soils: <2 foot depth to bedrock or fragipan;
  - (2) high seasonal groundwater table (<3) feet;
  - (3) soils that are either poorly drained and/or slowly permeable;
  - (4) soils that are either excessively drained and/or highly permeable soils;
  - (5) soils underlain or intersected by easily softened and mobile layers, especially silts and clays, which may be evidenced by outcrop or recent instability; and
  - (6) the soils and conditions thereof discussed in subclauses (1) to (4) of this clause, are as defined in the *Soil Survey of Onondaga County, New York* (January 1977), *Soil Survey of Cayuga County, New York* (May 1971), and *Soil Survey of Cortland County, New York* (May 1961) prepared by the USDA Natural Resources Conservation Service (NRCS) (previously the Soil Conservation Service) in cooperation with the Cornell University Agricultural Experimental Station. These publications are available for public inspection at the NRCS office, 441 South Salina Street, Syracuse, NY 13202. If an onsite investigation indicates soil conditions other than described in the above referenced publications, the onsite investigation results will take precedence.
- (iii) Land disturbing activities, including, but not limited to, general construction, highway construction and maintenance, and silviculture, and which expose 5,000 or more square feet of soil (*i.e.*, vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited within an environmentally sensitive area as defined in subparagraph (ii) of this paragraph, except where measures have been put in place to prevent erosion and sediment production as outlined in the various publications:
  - (a) *New York State Stormwater Management Design Manual* (August 2003) prepared by the Center for Watershed Protection, 8391 Main St., Ellicott City, MD 21043 for the NYSDEC, 625 Broadway, Albany, NY 12233 and distributed by Soil and Water Conservation Society, Empire State Chapter, c/o Cayuga County Soil and Water Conservation District, 7413 County House Rd., Auburn, NY 13021;
  - (b) *New York Guidelines for Urban Erosion and Sediment Control* (April 1997), published by the Soil and Water Conservation Society, Empire State Chapter, c/o Cayuga County Soil and Water Conservation District, 7413 County House Rd., Auburn, NY 13021;
  - (c) *Construction Management Practice Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State* 2nd Edition, March 1999, published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 625 Broadway, Albany, NY 12233;
  - (d) *Silviculture Management Practice Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State* (October 1993) published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 625 Broadway Albany, NY 12233;
  - (e) the publications defined in paragraph (3) of this subdivision; and
  - (f) all publications are available for public inspection and copying from The Bureau of Public Water Supply Protection, Flanigan Square, 547 River Street, Troy, NY 12180-2216.
- (iv) The proposed erosion control measures shall be in the form of a written description and site plan showing the design criteria, location and type of proposed control structures, sequence of actions, maintenance and construction details. Copies of the erosion/stormwater

control plans must be submitted to the supplier of water, by the applicant at least 10 business days prior to undertaking any land disturbing activity.

(v) If a municipality through local regulation requires such erosion/stormwater control plans, the proposed erosion control measures shall be submitted, by the applicant to the municipality as required by local regulation.

(vi) Public highway construction activities shall be performed so as to preclude erosion and sediment production. Generic mitigation practices pertaining to general road maintenance, road ditch clearing, etc., shall be submitted to the supplier of water for review and comment and kept on file. For road re-construction or new construction, mitigation plans specific to that activity shall be developed by the highway department proposing the action and submitted to the supplier of water for review and comment.

(7) (i) New solid waste management facilities, whether regulated or exempt from regulation under 6 NYCRR Part 360 or any other local laws or regulations are prohibited within the watershed except for the following:

(a) composting facilities as described in 6 NYCRR section 360-5.1(b), provided that the solid waste is generated and stored/located within the property boundaries of a single family residence or farm as described in 6 NYCRR section 360-1.7(b)(1) and (3);

(b) liquid storage facilities for the storage of leachate or waste water from any abandoned landfill as regulated in 6 NYCRR Subpart 360-6 excluding surface impoundments as described in 6 NYCRR section 360-6.5;

(c) construction and demolition debris landfills as described in 6 NYCRR section 360-7.1(b)(1)(i) when such debris is generated within the property boundaries of a single family residence or farm as described in 6 NYCRR section 360-1.7(b)(1), and 6 NYCRR section 360-7.1(b)(1)(ii);

(d) regulated medical waste and waste storage and transfer facilities as exempted from regulation under 6 NYCRR section 360-10.1(b). Disposal of said waste is prohibited;

(e) permitted transfer stations as described in 6 NYCRR Subpart 360-11, and including clean-up days or similar events described in 6 NYCRR section 360-1.7(b)(6);

(f) recyclables handling and recovery facilities exempted under 6 NYCRR section 360-12.1(b) and (c), however, disposal of the recyclables or by-products of any handling or recovery processes, or waste generated from any of those processes is prohibited. Storage of used automobiles, trucks, etc., which are not being dismantled for sale or reuse, is prohibited;

(g) temporary waste tire storage facilities as described in 6 NYCRR section 360-13.1(b).

(h) used oil as regulated by 6 NYCRR sections 360-14.1(d)(2) and 360-14.4 and 360-14.5 where only storage is allowed if the appropriate permit is obtained; and

(i) construction and demolition debris processing facility as described in 6 NYCRR section 360-16.1(b) and registered as outlined in 6 NYCRR section 360-16.1(c) as long as the processed materials are not disposed of within the watershed, and are not allowed to enter the lake or watercourse.

(ii) The minimum linear distance separation for the location of the facilities described in subparagraph (i) of this paragraph are:

(a) clause (i)(a) of this paragraph is 100 feet; and

(b) clauses (i)(b)-(i) of this paragraph is 300 feet.

(iii) Solid waste facilities existing at the time of adoption of this Part can remain if in compliance with 6 NYCRR Part 360.

(8) Hazardous material.

(i) Storage and use of hazardous materials is subject to regulation by the State Department of Environmental Conservation pursuant to article 27 of the Environmental Conservation Law and 6 NYCRR Parts 370-376 and all other agencies having jurisdiction.

(ii) Disposal of hazardous material is prohibited.

(9) Radioactive material. Disposal of radioactive waste is prohibited.

(10) Petroleum storage.

(i) Installation, operation, use, maintenance, and closure of aboveground and underground bulk petroleum storage tanks, is subject to the approval and enforcement authority of 6 NYCRR Parts 612-614 or within Cortland County under the authority of the Cortland County Health Department.

(ii) Whenever mandatory notification to the NYSDEC is required regarding inventory monitoring, leak detection test reports, or discovery of a leak, etc., notification to the supplier of water is also required. This notification shall be made at the same time notification to the NYSDEC is made.

(iii) Facility inventory records and previous leak detection reports shall also be made available to the supplier of water personnel upon request.

(iv) All permit applications for the installation of new or the modification of existing facilities shall be forwarded to the supplier of water for review and comment as outlined in paragraph (c)(2) of this section.

(11) Stockpiles.

(i) Storage of chloride salts is prohibited except in structures designed to minimize contact with precipitation and built on low permeability pads which control seepage and runoff, and is located at a lineal distance of no less than 500 feet from the lake or a watercourse.

(ii) Storage of coal is prohibited except in structures as defined in subdivision (i) of this section.

(12) Chloride salt application. Chloride salt use for deicing shall be restricted to the minimum amount needed for public safety.

(13) Construction and closure of wells.

(i) Oil and gas well construction, maintenance, and abandonment is subject to the approval and enforcement authority of the New York State Department of Environmental Conservation.

(ii) Water supply well construction, maintenance, and abandonment is subject to the regulations established by section 15-1502 of the Environmental Conservation Law and section 206 of the Public Health Law.

(14) Cemeteries. All cemeteries shall be operated to prevent contamination of the public water supply.

(g) *Inspections.* (1) The officials of the City of Syracuse or any persons charged with the maintenance or supervision of the public water supply system by its officers or their duly appointed representative, shall make regular and thorough inspections of the identified protection zones to enforce the rules and regulations set forth in this section. It shall be the duty of the aforesaid officials to serve a notice of such violation, together with copies of any rules and regulations violated, upon persons violating the same. If such persons served do not immediately comply with the rules and regulations violated, it shall be the further duty of the aforesaid officials to promptly notify, in writing, the Commissioner of Health or his or her authorized representative, which official may enter property for the purpose of causing such violations to be abated.

(2) The City of Syracuse shall report to the State Commissioner of Health in writing annually, on or prior to the 30th day of April, the results of regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number

and type of violations both cited and abated, and the general conditions of the protection zones at the time of the last inspection.

(3) With the authority granted by section 1101 of the New York State Public Health Law, an inventory and census shall be conducted and updated on an ongoing basis by the supplier of water of all systems, facilities, and activities in the protection zones that may contribute to water supply source contamination including, but not limited to, wastewater treatment system surveys and dye testing, hazardous materials inventory and agricultural materials surveys.

(h) *Remedies for violation.* Remedies for violation of these rules and regulations shall be those specified by sections 1102 and 1103 of the Public Health Law and/or article 71 of Environmental Conservation Law and any other law where applicable.

(i) *Variances.* (1) The Commissioner of Health or his/her designated representative may, upon written application from the owner, operator, or person in charge of a site, grant a variance from the requirements of these regulations, provided that a variance shall be granted only if the regulated activity, alone or cumulatively with other proposed activity, will not contravene the water quality standards described in 6 NYCRR Parts 700-705. The issuance of a variance shall not authorize any use or extension of use in zone I, II, or III for which a permit is required by any local, State or Federal authority.

(2) An application for a variance must:

(i) include the applicant's name, address, and his interest in the subject property; and the owner's name and address if different from the applicant;

(ii) include the owner's signed consent to the application if made by any person or entity other than the owner of the site;

(iii) include the street address and legal description of the subject site;

(iv) include a sketch plan illustrating all proposed site alterations, all structures existing on site both above and below ground, the existing uses and zoning of adjacent parcels, site contours and drainage patterns;

(v) demonstrate that the regulated activity will not cause an increased risk of contamination or degradation of the water supply;

(vi) identify the specific provision of these rules and regulations from which the variance is sought;

(vii) demonstrate that due to conditions unique and peculiar to the applicant's situation, compliance with these rules and regulations would be unduly burdensome or result in substantial hardship that cannot be otherwise mitigated;

(viii) demonstrate that any undue burden or substantial hardship was not created by the applicant, and cannot be avoided except by a variance;

(ix) demonstrate that alternatives to the regulated activity have been considered and that there is no available alternative, which would not require a variance;

(x) demonstrate the regulated activity as proposed includes adequate mitigation measures to justify such variance; and

(xi) be submitted to the supplier of water and the commissioner.

(3) Review by the supplier of water. Within 90 days of the receipt of an application for variance, the supplier of water shall make a written recommendation to the commissioner as to whether the applicant has met the standards for a variance. In order to make its recommendation, the supplier of water may request additional information from the applicant. The supplier of water may also hold a public hearing on the application, upon 30 days' notice. The supplier of water's written recommendation shall be forwarded by the supplier of water to the commissioner and served on the applicant.

(4) Decision of the commissioner.

(i) The commissioner or his/her designated representative may solicit the views of the supplier of water on a variance application. After reviewing the application and any recommendations provided by the supplier of water, the commissioner will render a decision to

grant, grant with conditions or deny a variance application. The requirements of paragraph (2) of this subdivision shall be used as the basis for each decision. The commissioner may hold a public hearing on the application, if deemed necessary, to seek further information prior to rendering a final decision.

(ii) The commissioner shall impose such conditions as he or she may deem necessary or prudent to preserve the quality of the water supply. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of this Part.

(iii) The issuance of a variance from a requirement imposed by this section shall not act as a variance from any regulation or requirement of any other Federal, State or local agency, or any other regulation or requirement of the Department of Health.

(iv) In granting a variance or a conditioned variance, the commissioner may require financial security, impose time limitations or limit transfer of the approval.

#### Historical Note

Sec. repealed, new filed: July 3, 1974; Aug. 13, 2004; amd. filed June 15, 2005 eff. July 6, 2005. Amended (a), (b), (f).

### VILLAGES

#### § 131.2 Village of East Syracuse.

(a) *Application.* The rules and regulations hereinafter given, duly made and enacted in accordance with the provisions of sections 70, 71 and 73 of chapter 45 of the Consolidated Laws (Public Health Law), as amended by chapter 510 of the Laws of 1921, shall apply to Wright Brook, to all natural and artificial reservoirs and to all watercourses and drainage areas tributary thereto and to the Pompey and Leiter springs which serve as sources of the public water supply of the Village of East Syracuse, Onondaga County, New York.

(b) *Definitions.* (1) The term *reservoir* wherever used in this section is intended to mean and refers to all impounding and storage reservoirs used for the collection or storage of the flow from the above named brook or springs which are tributary to or which serve as sources of this public water supply or to any additional reservoir which may be constructed or used for the purpose of this public water supply.

(2) The term *watercourse* wherever used in this section is intended to mean and include every spring, pond (other than the artificial reservoirs and filter basins), brook, stream, ditch, gutter or channel of any kind, the waters of which, when running whether continuously or occasionally, eventually flow or may flow into the public water supply of East Syracuse.