

Model Watershed Rules and Regulations
For the Protection of Sources of Water
Supplies Within
Tompkins County, New York

August 3, 1995 Final Draft

This Model was developed by the Watershed Rules and Regulations Task Group of the Tompkins County Water Quality Steering Committee. The Southern Cayuga Lake Intermunicipal Water Commission - Bolton Point Water System in cooperation with the Cornell University Department of Utilities incorporated comments and suggested changes to the Task Group's April 7, 1994 draft Model and produced a draft Model dated December 16, 1994. This August 3, 1995 final draft Model incorporates comments and suggested changes to the December 16, 1994 draft Model. This final draft Model is intended to assist public water systems within Tompkins County considering adopting watershed rules and regulations and encourage rule and regulation consistency.

MODEL WATERSHED
RULES AND REGULATIONS
APPROPRIATE FOR TOMPKINS COUNTY
AUGUST 3, 1995 FINAL DRAFT

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Preamble

Safe drinking water is the basis to life. The Watershed Rules and Regulations Task Group ("Task Group") was established by the Steering Committee of the Tompkins County Water Quality Strategy Plan and began meeting in February 1993. Some Steering Committee members stated that it was their belief that it is safer, cheaper and easier to prevent water pollution than to clean it up. The Steering Committee believed that a coordinated effort to assemble a standard format or model for watershed rules and regulations would benefit all residents of Tompkins County. The objective of a standard format or model for watershed rules and regulations would result in a reasonably consistent approach and content of watershed rules and regulations applicable within Tompkins County. The Steering Committee charged the Task Group with producing a model set of watershed rules and regulations ("Model") for use by Steering Committee and the Tompkins County community at large. Once completed, it was the Steering Committee's intention to widely distribute the Model to interested individuals and public water systems.

The Task Group represented many of the different interests of the Tompkins County community (see the list of attendees and their affiliation, located at the end of this preamble).

The goal of the Task Group was to produce and recommend a Model to the Steering Committee and the Tompkins County community at large. The Steering Committee intended to provide copies of the completed Model to any public water system, particularly those in Tompkins County, interested in establishing or updating their watershed rules and regulations. The Task Group agreed to this goal following review of existing and proposed rules and regulations for the City of Ithaca and Cornell University water systems. It was further agreed that the model included in the March 1981 report entitled "Water Supply Source Protection Rules and Regulations Project", by Robert Hennigan, would be used as a format to assemble the Model. The Task Group produced the April 7, 1994, Draft Model and as a group, stopped working on the Model in October 1994. The Southern Cayuga Lake Intermunicipal Water Commission - Bolton Point Water System (SCLIWC-BPWS) in cooperation with the Cornell University Department of Utilities (Cornell) produced the December 16, 1994 draft Model.

John Andersson, Tompkins County Environmental Health Director, chaired the Task Group. The Task Group had met eighteen (18) times between February 5, 1993 and October 1994 in the conference room of SCLIWC-BPWS, located at 1402 East Shore Drive, Ithaca. Kevin Kauffman, the Executive Director at the SCLIWC-BPWS, assembled the December 16, 1994 draft Model. Patrick McNally of the Cornell

University Department of Utilities cooperated by providing input into the December 16, 1994 Draft. The December 16, 1994 Draft Model attempted to incorporate all comments received by Mr. Kauffman on the April 7, 1994, Draft Model. The August 3, 1995 final draft Model incorporates comments and suggestion received by SCLIWC-BPWS. Two versions of the August 3, 1995 final draft Model exist. One contains revision marks, showing changes made since the December 16, 1994 draft Model. The other version has identical language in a cleaned-up form (no revision marks). The revision mark version is will assist persons who have reviewed the December 16, 1994 draft Model by showing changes. The cleaned-up version will be used as the distributed final draft Model. The revisions made result from the comments received by SCLIWC-BPWS. The comment letters received are attached as Appendix F.

The Task Group developed, reviewed and discussed six (6) "Draft" Models. The April 7, 1994 Draft Model was intended for varying levels of legal review by those on the Task Group interested in conducting such a review. Corrections and comment from this review have been incorporated in the December 16, 1994 draft Model. The majority of legal corrections and comments were provided by Randall B. Marcus, on behalf of SCLIWC-BPWS.

Input to this Model has also been provided by other members of the community, including but not limited to, the Farm Bureau of New York, the Agricultural and Farmland Protection Board, Professor Len Lyons of Cornell's School of Civil and Environmental Engineering, the Tompkins County Planning Department, Cornell Cooperative Extension, the Soil Conservation Service, the US Geological Survey, the Tompkins County Soil and Water Conservation District, the US Fish and Wildlife Service, and Cargill Salt Division.

Readers and users of this Model should consider the following:

1. Text shown in {brackets} and *italicized* indicates suggested further work areas or possible alternative or optional language for the particular section in which they appear.
2. Where the term "*public water system*" or "*public water system governing board*" appears in the Model, the user should substitute the appropriate titles for their system.
3. If a public water system desires to adopt watershed rules and regulations, it will follow the adoption procedure established by the NYS Department of Health, attached to the Model as Appendix E. The NYS Department of Health, Office of Public Health, Division of Environmental Protection, Bureau of Public Water Supply Protection is available to assist public water systems with the process. The Tompkins County Health Department is the local agent of the NYS Department of Health ((607)274-6688). Watershed rules and regulations become enforceable once approved by the NYS Commissioner of Health and filed with the NYS Secretary of State. Watershed rules and regulations when filed with the NYS Secretary of State become a Section and a Part of Chapter III of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.

The Model will not be considered by the NYS Commissioner of Health or NYS Secretary of State. Therefore the Model creates neither any new level of government, nor any additional law or limitation on any property or civil right. The Model simply provides a generic format for use by Tompkins County public water systems that desire to adopt watershed rules and regulations.

Watershed rules and regulations may be desired for various reasons. A public water system or the NYS Department of Health may see the adoption of watershed rules and regulations as necessary in order to accomplish a desired level of water supply source protection. Adoption could also be viewed as a portion of the comprehensive watershed protection program of a community. With or without watershed rules and regulations, public water systems have specific authority provided by NYS Public Health Law to protect their water supply source(s) from the threat of contamination.

It is recommended that all public water systems:

- a.) know their water supply source watershed;
 - b.) identify any property, facilities and activities in their watershed that could introduce pollutants to their water supply source; and,
 - c.) when considering adopting watershed rules and regulations, actively solicit input from their community to assure that a reasonable effort is made to:
 - (i) communicate the needs and benefits of establishing and enforcing watershed rules and regulations;
 - (ii) accommodate the needs of their community needs; and,
 - (iii) create a successful deterrent to contamination of their water supply source.
4. The Model refers to the watershed rules and regulations document as "this Section". The watershed rules and regulations, when approved, become a Section and Part of Chapter III of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York. A public water system using this Model in assembling its watershed rules and regulations should consider how each provision of this Section (the Model) will be interpreted within its watershed and whether changes in language are appropriate. In assembling the Model, it was spoken many times that, "its not how the present administration will interpret and enforce the rules and regulations, its how the watershed rules and regulations will be interpreted and enforced in the future". This was accepted as a statement of good advice for all who will use this Model.
- All Task Group participants recognize the importance of involving the affected public in the development of watershed rules and regulations, and recommend that all public water systems do so early in their development process. A proposed resolution of the Tompkins County Planning Board is attached to this Preamble in order to show closure for the participation of the Water Quality Steering Committee.
5. This Model, like the model included in the March 1981 report entitled "Water Supply Source Protection Rules and Regulations Project", by Robert Hennigan, divides the watershed into "protection zones". The definitions and appendices further explain this protection zone concept.

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Pursuant to the authority vested in the State Commissioner of Health, by Section 1100 of the Public Health Law, Section { } of Part { }, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, to be effective upon filing in the Office of the Department of State is hereby created {or amended} to read as follows:

SECTION { }, {PUBLIC WATER SYSTEM}, TOMPKINS COUNTY:

A. **Applicability:** 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 water supply of {the public water system}, Tompkins County. Said source of water supply is

{The public water system should provide an additional description of the water supply here when developing its draft watershed rules and regulations. For example, what is the name of the water supply source? Is the public water system attempting to protect a designated surface or ground water source of water supply and all of its tributary watercourses? Many descriptions of source of water supplies can be found in NYCRR, Title 10, Chapter III.}

B. **Statement of Purpose:** Sources of water supplies are inherently exposed to the introduction of pollutants that may adversely affect their water quality. The introduction of pollutants that typically cause adverse effects on water quality include, but are not limited to:

1. Untreated regular discharges to either surface or ground water;
2. Accidental or intentional introductions caused by poor management practices in any residential, agricultural, commercial, industrial, or other activity;
3. Naturally occurring water, land, and air resource contributions.

Sources of water supplies may be subject to contamination due to either the improper management or inappropriate placement in relation to a source of water supply of a system, facility, and or activity. The people of the State of New York have a right to expect, and the Commissioner of Health is obligated to see, that feasible precaution and measure is taken to protect a source of water supply from contamination, and that safe drinking water is available from all public water systems.

In order to assure the adequate protection of the {source of water supply of the public water system}, the following rules and regulations have been promulgated.

C. **Scope:** Minimum requirements are hereby presented to protect {the water supply source of the public water system} from contamination. These rules and regulations are intended to complement and not conflict with or be more stringent than the latest version of federal or state law. {It should be noted that a public water system has the authority to adopt watershed rules and regulations that are more stringent than the latest version of federal and state law. Therefore, the previous sentence

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may require modification.} These rules and regulations are intended to be in common conversational language in order to be understood by the *public water system*, and property owners and residents of Tompkins County. The General Provisions (Part E) of these rules and regulations state how properties, facilities and activities that are in compliance with their current SPDES permit, issued for discharges common with discharges specified by these watershed rules and regulations, shall be deemed compliant with these watershed rules and regulation for such discharges. These rules and regulations may restate a portion of the latest version of federal and state law. The following list of the latest version of federal and state legislation, codes and agencies, is applicable to the protection of a source of water supply. The acronyms of these laws, codes and agencies will be used throughout this Section (these rules and regulations).

1. Federal Laws, Codes and Agencies:

- a.) Clean Water Act (CWA)
- b.) Safe Drinking Water Act (SDWA)
- c.) U S Code of Federal Regulations (CFR)
- d.) U S Environmental Protection Agency (EPA)
- e.) Natural Resource Conservation Agency (NRCA)
- f.) Food Securities Act of 1985 (Farm Bill)

2. State Laws, Codes and Agencies:

- a.) New York Code of Rules and Regulations (NYCRR)
- b.) Environmental Conservation Law (ECL)
- c.) NYS Department of Health (DOH)
- d.) NYS Department of Environmental Conservation (DEC)
- e.) Public Health Law (PHL)
- f.) Soil and Water Conservation District Law (SWCDL)
- g.) State Pollution Discharge Elimination System (SPDES)
- h.) State Environmental Quality Review Act (SEQR)
- i.) Navigation Law
- j.) Tompkins County Soil and Water Conservation District (TCSWCD)

D. Definitions: When used in this Section:

- 1. Aquifer shall mean the water-saturated subsurface geologic formations that are now or may subsequently be developed for use by a public water system.
- 2. Aquifer recharge area shall mean the land area where precipitation, snow and rain percolates directly through the ground to an aquifer and shall be delineated by the Commissioner of Health. The aquifer recharge area shall also be known as Zone II-G.

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3. Barnyard shall mean that area used for the storage of domestic animals where existing or planned farm activities will result in a concentration of animal waste, that if not managed properly, has the potential of contaminating the {*water supply source of the public water system*}.
4. Best management practices (BMP) shall mean the methods, measures or practices determined to be the most practical and effective in preventing or reducing the impact of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of the ECL. BMP include, but are not limited to, structural and nonstructural controls and operations and maintenance procedures. BMP can be applied before, during or after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters. Standard BMP for agricultural activities shall include the latest version of the following:
 - a.) The publication "Controlling Agriculture Nonpoint Source Water Pollution in New York State - A Guide to the Selection of Best Management Practices to Improve and Protect Water Quality" (1991), published by the Bureau of Technical Services and Research, Division of Water, NYSDEC, 50 Wolf Road, Albany, NY 12223; or,
 - b.) The publication "Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State" (1992), published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 50 Wolf Road, Albany, NY 12223; or,
 - c.) The property, facility and/or activity's Whole Farm Planning Program.

Standard BMP for non-agricultural land disturbing activities shall include the latest version of the following:

- a.) The publication "Reducing the Impacts of Stormwater Runoff for New Development" (1992) as amended from time to time, published by the Bureau of Water Quality Management Division of Water, NYSDEC, 50 Wolf Road, Albany, NY 12223; or,
- b.) The publication "New York Guidelines for Urban Erosion and Sediment Control" (1991) as amended from time to time, published by the Soil and Water Conservation Society, 100 S. Clinton Street, Room 771, Syracuse, NY, 13261: or,
- c.) The publication "Construction Management Practice Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State" (1992) as amended from time to time, published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 50 Wolf Road, Albany, NY 12223: or,
- d.) The publication "Silviculture Management Practice Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State" (1993) as amended from time to time, published by the Bureau of Water Quality Management, Division of Water, NYSDEC, 50 Wolf Road, Albany, NY 12223.

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5. Contamination shall mean any substance or characteristic which will make water unsuitable or unsafe including a constituent or characteristic in an amount that exceeds allowable limits established by the Commissioner of Health.
6. Chloride salt shall mean the solid compounds or the solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for winter road maintenance and water softener regeneration).
7. Community water system shall mean a public water system that serves at least five service connections used by year-round residents or regularly serves at least 25 year-round residents.
8. Discharge shall mean the disposal, injection, emission, application, dumping, spilling, leaking, washing off, running off, draining or placing of any solid, semi-solid, liquid, or any other non-gaseous waste or other substance into or onto any land or water so that such waste or other substance may directly or indirectly enter into any watercourse or groundwater.
9. Disposal shall mean the abandonment, discharge, injection, spilling, leaking or placing of any substance so that such substance or any related constituent thereof may enter the environment. Disposal also means the thermal destruction of waste or hazardous waste and the burning of such waste as fuel for purposes of recovering useable energy.
10. Environmental impact assessment shall mean a written evaluation that provides a description of a proposed project or development and a detailed analysis of its potential environmental effects.
11. Farm shall mean the land used in a single operation for the production for sale of, including but not limited to, crops, horticultural and aquacultural products, livestock and fowl or livestock and fowl products of an annual average (over the past two years) gross sales amount of \$10,000 or more.
12. Fertilizer shall mean any organic or inorganic substance of natural or synthetic origin that is added to the soil to supply elements intended to be a beneficial nutrient for plants.
13. Flood plain (100-year) shall mean land indicated to be susceptible to being inundated by a flood with a probability of occurrence of no greater than one percent in any given year by the Federal Emergency Management Agency or its predecessor, the Department of Housing & Urban Development.
14. Ground water shall mean water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of ground water by an unsaturated zone.
15. Ground water management area shall mean the portion of an ground water watershed delineated by a protection zone.

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16. Hazardous substance shall mean a substance as defined in 6 NYCRR 597.1 (a)(3) and the Federal Clean Water Act Section 309, as each may be amended.
17. Hazardous waste shall mean a waste as defined in 40 CFR 261.3 or 6 NYCRR 371.1(d) as each may be amended. The starting point for generators in determining if a waste is hazardous is 40 CFR 261.11, criteria for listing hazardous waste:
 - a.) First, determine if the waste is excluded from regulation as hazardous under 40 CFR 261.4
 - b.) Second, check the hazardous wastes list in Subpart D of 40 CFR 261.
 - c.) If the waste is not listed or excluded, determine if the waste exhibits one of the four hazardous waste characteristics (ignitability, corrosivity, reactivity, toxicity) described in Subpart C of 40 CFR 261
18. Human excreta shall mean human feces and urine.
19. Industrial waste shall mean any liquid, gaseous, solid or waste substance or combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, that may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards adopted by the state.
20. Junkyard shall mean an area where *{a specified number}* of unregistered 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. *{The specific number of vehicles and other defining conditions may vary depending on local law.}*
21. Land management area shall mean the portion of land adjacent to a lake, reservoir, or watercourse delineated by a protection zone.
22. Land application of sewage treatment effluent shall mean the distribution of municipal or industrial sewage treatment effluent by point discharge(s), spray irrigation, or direct flow, over the land surface with or without an under drain system.
23. Linear distance shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water level of a lake, reservoir or watercourse or to the edge, margin or steep bank forming the recorded high water level of a lake, reservoir or watercourse. *{When "linear" distances are used in this Section, they are intended as a guide for both the public water system and property owners. Properties, facilities and/or activities seeking a variance from a linear distance requirement will require a case-by-case investigation by the public water system. The public water system*

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governing board shall determine the actual regulated distance following an investigation of the specific site and other relevant conditions. The author(s) of this Section should consider specifying such a procedure either here or in the Variance area of Part E (General Provisions)}

24. Nonpoint source shall mean any source of water pollution or pollutants that is not a discrete conveyance or point source permitted pursuant to Title 7 or 8 of the ECL.
25. Other wastes shall mean garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, ballasts and all other disposed of matter, not sewage or industrial wastes, that may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of standards adopted by the state.
26. 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.
27. Petroleum shall mean oil or petroleum of any kind and in any form including but not limited to oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other waste, crude oil, gasoline and kerosene.
28. Point source shall mean any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.
29. Pollutant shall mean :dredge spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or disposed of equipment; rock; sand and industrial, municipal and agricultural waste discharged into water; and ballast which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards by the state.
30. Protection zone shall mean that land and/or water surface area within a surface water and/or ground water management zone as delineated herein; they shall be designated Zone I-S, Zone II-S, Zone III-S, and Zone IV-S for surface water protection zones and Zone I-G, Zone II-G, and Zone III-G for ground water protection zones.

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31. Public water system shall mean a community, noncommunity, or nontransient noncommunity water system which provides piped water to the public for human consumption, if such system has at least five service connections or serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes:
- a.) collection, treatment, storage and distribution facilities under control of the {public water system governing board} and used with such system; and,
 - b.) collection or pretreatment facilities not under such control which are used by such system.
32. {Public water system governing board} shall mean the policy making body of the {public water system}.
- {As used in the Model, public water system and public water system governing board may be inter-changeable. These terms are used only for the purpose of the Model. It is intended that "public water system", "public water system governing board" and "the source of water supply for the public water system" be generally replaced by the respective proper names.}*
33. Radioactive material shall mean any material in any form that emits radiation spontaneously. 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, infra-red or ultraviolet light.
34. Recreational activities shall mean fishing, swimming, wading, use of recreational vehicles or any other similar activity.
35. Refuse shall mean, in accordance with 6 NYCRR Part 360, anything putrefactive or nonputrefactive that is disposed of or rejected as useless or worthless.
36. 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 member of which is the owner, occupant or lessee of said land, or any part of a farm on which animal wastes and other organic nutrients are deposited as fertilizer. (This definition includes, but is not limited to, those areas commonly referred to as landfills and sanitary landfills.)
37. Reservoir shall mean any natural or artificial lake or pond that is tributary to or serves as a source of the community water system.

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38. Section or this Section shall mean these watershed rules and regulations that can be found in Chapter III of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
39. Septage shall mean, in accordance with 6 NYCRR Part 360, the contents of a septic tank, cesspool or other individual sewage treatment facility that receives domestic sewage wastes.
40. Sewage shall mean the water carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage, industrial waste and/or other waste shall also be considered "sewage" ..
41. Sewage sludge shall mean the accumulated semisolids or solids resulting from treatment of waste from publicly owned or privately owned or operated sewage treatment plants. Sewage sludge does not include grit or screening, or ash generated during the incineration of sewage sludge.
42. Sewage treatment facility shall mean any system used for treating sewage, including an onsite treatment system.
43. Solid waste shall mean any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other disposed of material, resulting from industrial, commercial, mining and agricultural, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342, as amended (86 Stat.880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 and as amended (68 Stat.923) except as may be provided by existing agreements between the State of New York and the government of the United States.
44. Source of water supply shall mean any ground water, aquifer, surface water body or watercourse from which by any means water is regularly taken either periodically or continuously for drinking, culinary or food processing purposes or which has been classified for present or future public beneficial use as a source for domestic or municipal purposes.

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45. Stream shall mean a body of water moving over the earth's surface in a channel or bed. An intermittent stream shall mean a stream that during certain times of the year goes dry and periodically receives ground water inflow. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm, and never receives ground water inflow, shall not be considered to be an intermittent stream.
46. Surface water management area shall mean the portion of a lake, reservoir or watercourse watershed delineated by a protection zone.
47. Toxic substance shall mean, a substance that exhibits the characteristic of toxicity as described in 40 CFR 261.24. "Toxicity characteristic" is determined if an extract taken and analyzed in accordance with Appendix II of 40 CFR 261, from a representative sample of the substance, contains contaminants that exceed the concentrations listed in Table 1 of that Part.
48. Treatment works shall mean, any plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface-water intercepting ditch, incinerator, area devoted to sanitary land fills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.
49. Waste shall mean any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and any other disposed of material, including solid, liquid, semisolid, or contains gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section four hundred two of the federal Water Pollution Control Act, as amended (86 Stat.880), or source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended (68 Stat.923) except as may be provided by existing agreements between the state of New York and the government of the United States.
50. Water supply shall mean the source of water supply for the *{public water system}*.
51. Water supply intake shall mean the point at which the water supply enters the *{public water system}*.
52. Watercourse shall mean a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the *{water supply of the public water system}*. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm shall not be considered to be a watercourse.

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53. Watershed shall mean all of the land and water surface area that contributes water to a specific lake, watercourse, ground water or surface or ground water supply.. *{See illustrations of watershed varieties in Appendices A through D.}*
54. Well shall mean any present or future artificial excavation used as a source of public water supply that derives water from the interstices of the rocks or soils in which it penetrates, including bored wells, drilled wells and driven wells and excluding ditches or tunnels that lead ground water to the surface by gravity.
55. Well-head protection area shall mean the area surrounding a well or spring or spring basin... *{final definition will be determined by the public water system with assistance from the Commission of Health}*. This shall also be known as Zone I-G.
56. Whole Farm Planning Program shall mean that program designated to implement best management practices on farms (farms as defined previously) in order to eliminate or minimize sources of nonpoint source pollution.
57. Zone I-G shall mean the well-head protection area, including the cone of influence ... *{final definition will be determined by the public water system with assistance from the Commissioner of Health}*.
58. Zone II-G shall mean the recharge area of aquifers on the upflow side of the withdrawal area (the land and water surface area that contributes water to Zone I-G, identified by an annular area bounded by Zone I-G and a distance from Zone I-G determined by the *public water system* with the assistance from the Commissioner of Health, that is expected to provide an adequate microbiological treatment barrier for water entering Zone I-G) ... *{final definition will be determined by the public water system with assistance from the Commissioner of Health}* .
59. Zone III-G shall mean the watershed tributary to the recharge area of aquifers or the contributing land and water surface from which the aquifer is replenished by runoff through the recharge area of aquifers ... *{final definition will be determined by the public water system with assistance from the Commissioner of Health}* .
60. Zone I-S shall mean a surface water protection zone and shall be the area within 1,000 feet linear distance of any lake or reservoir water supply intake, and within 1,000 feet linear distance upstream of a watercourse water supply intake.

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61. Zone II-S shall mean a surface water protection zone and shall be the area :
- a.) within one mile linear distance upstream of a water supply intake in a lake {*Cayuga Lake*}; or
 - b.) the entire surface area and watercourse within one mile upstream of a reservoir intake; or
 - c.) within one mile linear distance upstream of a water supply intake in any watercourse.
62. Zone III-S shall mean a land and water protection zone and shall be the area:
- a.) of the watershed, tributary to the water supply within five miles upstream of a lake {*Cayuga Lake*} intake; or
 - b.) within the entire upstream watershed of reservoir intake; or
 - c.) within the upstream tributary watershed of any water supply intake in any watercourse.
63. Zone IV-S shall mean a land and water protection zone incorporating any or all of the remainder of an intake's upstream watershed not covered in Zone III-S.

E. General Provisions:

{The model provisions below are intended to provide each public water system considering the adoption of watershed rules and regulations guidance on administration and enforcement. The final provisions, determined by the public water system, should be written in order to achieve their intended purpose.}

1. Protection zones shall be delineated for each source of water supply for both ground and surface water by the Commissioner of Health in conjunction with the *public water system* for supplies serving less than 5,000 people, and by the *public water system governing board* subject to the approval of the Commissioner of Health for supplies serving more than 5,000 people, as described in the Public Health Law (PHL). Protection zones serve to prioritize the effort of the *public water system* when administrating this Section. Rules and regulations become more stringent as the protection zones near the water supply intake.

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2. Watersheds and protection zone maps shall be drawn on United States Geological Survey (USGS) topographical maps in order to minimize confusion and clearly delineate protection zone boundaries. The *public water system* shall confirm that protection zones boundaries are consistent with those of the watershed boundary.
3. Inspections of the watershed may be made, in accordance with the authority provided under Section 1101 of the PHL, by the *public water system* in accordance with a schedule developed by the *public water system*, subject to review by the Tompkins County Health Department. *{If the public water system desires a more specific of its authority for this paragraph, PHL Section 1101 can be consulted.}*

{Warning: A public water system using this model should be aware of the public concern over the authority provided by PHL Section 1101. It is recommended that every public water system establish reasonable procedures in order to administrate an approved watershed inspection protocol. For example, the procedures may include language similar to:

“Every reasonable effort will be made by the public water system to receive resident or property owner’s approval prior to entering onto private property”; and/or

“The public water system’s injury prevention program shall include precautionary procedures to be followed when entering property used for industrial or agricultural activities. Accompaniment by the industry’s site manager is advised.”; and/or

“The public water system recognizes that a private company or corporation may have proprietary rights subject to exposure in their respective market by actions during an inspection. For this reason accompaniment of the company or corporation site manager is recommended.”}

4. Permits and approvals by state agencies or political subdivisions, as they relate to water supply source protection, will be monitored by the public water supply. The public water system may monitor permits and approvals for the manufacture, use, storage, and disposal of any products, materials or by-products, such as wastes within the protection zones that will adversely affect the sources of water supply. These permits may include, but are not limited to, SPDES

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permit; onsite disposal systems; land application of waste; disposal wells; recharge basins; landfills; septage and sludge disposal; hazardous materials manufacturing, storage, transportation, use and disposal; radiological material; waste lagoons and pits; pesticide storage and use. The *public water system's* purpose for monitoring these permits is to assure compliance with the requirement of this Section.

{The public water system should decide, and include below, to what level the public water system will to be involved in permits issued by a local, county, state and/or federal agency that permit a regulated activity as discussed above.}

- a.) Environmental assessment actions and permits issued for a regulated activity by a local, county, state and/or federal agency that requires a public hearing will be the vehicle by which the *public water system* will become informed of the proposed action or issuance. This hearing process will provide the forum for the *public water system* to ensure compliance with this Section.
- b.) Environmental assessment actions and permits issued for a regulated activity by a local, county, state and/or federal agency, that do not require a public hearing, may not provide the public water system with an opportunity to become informed of and ensure compliance with this Section.
- c.) The *public water system* may implement a procedure to monitor other permitted actions issued by a local, county, state and/or federal agency that do not require an environmental assessment action.

{The public water system may choose alternative language for this subsection (E.4.) depending on the relative interest in monitoring environmental assessment actions and governmental agency permitting processes. The intent of the above language is to provide the public water system with expected benefits derived from adopting an agency action monitoring procedure.}

5. Monitoring of water quality in the protection zones shall be the responsibility of the *public water system* and the New York State Department of Health. A monitoring schedule, developed by the *public water system*, shall be subject to review and approval by the Tompkins County Health Department. Results from this monitoring are expected to provide the basis for determining changes in water quality of the water supply, over time. This requirement is in addition to any intake raw water monitoring.

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6. SPDES permitted properties, facilities and activities. SPDES or the State Pollution Discharge Elimination System includes the issuance of permits that authorize discharges to waters of the state by specific properties, facilities, and/or activities. Discharges in compliance with a current SPDES permit shall be deemed in compliance with this Section.

{In other words, if a property, facility and/or activity is currently regulated by a SPDES permit for its discharges, many rules and regulations of this Section shall not apply. For example, if a discharge to a lake, a reservoir or a watercourse from a property, facility, and/or activity is in compliance with its current SPDES permit, the property, facility, and/or activity may not be required to relocate its stockpile of salt, coal, or compost.}

7. An inventory, census and summary report shall be initiated and updated on a regular basis by *the public water system*, of all properties, facilities, and activities in the protection zones that may contribute to water supply source contamination. This inventory, census and summary report may include, but is not limited to, changes in and trends of the following:

- a.) land, property, and facility use;
- b.) population;
- c.) onsite disposal system;
- d.) dwelling units;
- e.) domestic animals (livestock and fowl);
- f.) pesticide and herbicide storage and use;
- g.) deicing salt storage and application;
- h.) landfills and refuse disposal areas;
- i.) waste storage pits and lagoons;
- j.) animal waste storage;
- k.) land application of waste, sludge and septage disposal;
- l.) disposal wells;
- m.) recharge basins;
- n.) toxic waste production, storage, transportation and use;
- o.) fertilizer storage and application;
- p.) surface and underground storage of gasoline, oil or other contaminating materials;
- q.) commercial and industrial activity;
- r.) point source discharges;
- s.) storm sewer discharges;
- t.) junkyards;
- u.) compost facilities;
- v.) accidental spills;
- w.) sediment generation and control practices; and
- x.) permits issued to regulate systems, facilities and activities.

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{A public relations effort is recommended when a public water system considers assembling an "inventory, census and summary report". File searching is likely to be the first approach for assembling the needed information. Prior to conducting a site-by-site survey, an educational mailing and survey is suggested. This mailing should include, but not be limited to:

- 1. an educational outreach, making the public aware of the positive and negative ramifications of this Section.*
 - 2. informing the public that if they cannot comply with this Section, that there is a variance process that they can consider prior to and following this Section's adoption process.*
 - 3. encouraging the public to respond to a survey in order to minimize both the program administrative costs and the need of the public water system to enter upon private property.}*
8. Variances to this Section may be granted by the Commissioner of Health after considering and making a finding on each of the following six factors:
- I.) Whether the property, facility and/or activity to be authorized by the variance is compatible with the purpose of this Section.
 - II.) Whether the health and safety of the water consuming public will be protected as a result of the treatment provided or other remedial action taken.
 - III.) Whether any hardship can be alleviated by some other method that is feasible for the applicant to pursue.
 - IV.) After considering all existing local conditions, including allowed uses, whether the property, facility and/or activity, in question, cannot yield an equivalent benefit to the applicant if used for any other type purpose that would comply with this Section.
 - V.) Whether the variance requested is the minimum variance necessary to provide relief from any hardship or additional latitude provided due to a specific circumstance.
 - VI.) Whether any hardship was created by this Section or the applicant or the applicant's successor.

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Such variances shall be given in writing and only given after a public hearing on the question has been held in Tompkins County. Should such variance to this Section cause a significant threat to the life, health, or safety of the water consuming public, the Commissioner may order that such variance, in whole or in part, either conform to the requirements of this Section within a limited period of time, at the Commissioner's discretion, or be discontinued immediately. The issuance of a variance from this Section shall not act as a variance from any other regulation or requirement, or permit any use or extension of use requiring action, of any other local, state or federal agency.

All non-conforming properties, facilities, and/or activities, not provided with a variance shall be subject to this Section on its effective date and expected to be in compliance within one year of this Section's effective date. A "compliance schedule" beyond this one year deadline, may be approved by the *public water system governing board* but subject to change by the Commissioner of Health.

The Commissioner of Health may request that the *public water system* review any request for a variance prior to making a determination on the request. The Commissioner may impose such variance approval conditions as deemed necessary to serve the purpose and intent of this Section. Non-compliance with these variance approval conditions shall be deemed a violation of this Section.

In the event that any non-conforming property, facility and/or activity is vacated and/or discontinued for a period equal to or greater than six continuous months, any variance from this Section may be nullified by the Commissioner of Health. *{Due seasonal vacancies and/or discontinuance's, the public water system may wish to allow up to a 12 month period.}*

{ Each public water system should include herein a policy for administering the pre-approval of variances to this Section for known existing non-conforming properties, facilities, and/or activities. A variance list for these properties, facilities and/or activities could be included in the version of this Section recommended to the Commissioner of Health for adoption by the state legislature. The following language in E.8.a. is an example of how a public water system could approach this issue. }

- a.) Pre-approved Variances. Prior to submission of the final *public water system* version of this Section, the following list of properties, facilities and/or activities has been granted a variance, from this Section, for the specific non-complying property, facility and/or activity stated:

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{List here, those properties, facilities and/or activities that meet the above variance approval factors, to be used by the public water system governing board. This list can be assembled by the public water system from information acquired while developing this Section or from previous surveys of the watershed. A public water system is strongly advised to thoroughly circulate a public notice of the opportunity to obtain a variance from this Section prior to any public hearing scheduled to hear comments on a final draft of this Section.}

1.)

2.)

3.)

et cetera

These variances have been granted as a result of the *public water system's* determination that compliance of the property, facility and/or activity will cause undue hardship and that the property, facility, and/or activity alone or cumulatively with others will not cause the contamination or the degradation to the source of water supply that this Section is intended to protect. Such variances may be conditioned upon the implementation of required mitigation measures to ensure water supply source protection. Any change in the property, facility and/or activity or failure to complete any mitigation measures may cause such a variance to be revoked by and at the discretion of the Commissioner of Health.

New or more strict regulations adopted after the effective date of this Section may cause a variance listed above to be reconsidered by the Commissioner of Health.

{A list of those properties, facilities, and/or activities receiving a variance from the Commissioner of Health but not included in E.8.a. of this Section, should be maintained by the public water system. This list could be commingled with the E.8.a. list during the next revision and adoption of this Section. The following language in E.8.b. is one method of how a public water system could approach this issue.}

- b.) Variations Following Promulgation of this Section. Applicants requesting a variance from this Section, subsequent to the submission of the final *public water system* version of this Section, shall submit a registered letter to the *public water system governing board* containing at least, but not limited to, responses to the following minimum required information:

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- i.) The applicant's name, address, telephone number(s) and interest in the subject property, facility, and/or activity and the owner's name, address and telephone number(s), if different from the applicant, and the owner's signed consent to file the application.
- ii.) The protection zone location, along with the street address and either a copy of the recorded plat or legal description of the property, facility and/or activity.
- iii.) A narrative description of the non-conforming nature of the property, facility and/or activity together with any pertinent information that may be necessary to adequately review the application.
- iv.) A site plan illustrating the location of the non-conforming issue and site conditions, such as reasonably detailed contours and drainage patterns.
- v.) A detailed statement describing the hardship imposed by the enforcement and administration of this Section, specifically addressing the basis of the six variance factors referred to at the beginning of E.8. of this Section and the minimum variance necessary to provide relief.
- vi.) A statement from a New York State licensed professional trained in surface and ground water quality assessing the potential impact of authorization of the requested variance on the surface or ground water supply, and in particular how such potential impact on the source of water supply this Section intends to protect will be mitigated.
- vii.) A statement from the applicant and owner agreeing to:
 - A.) Comply with all conditions of a variance authorization
 - B.) Submit a written annual report to the *public water system governing board* for approval that shall include but not be limited to the following information:
 1. Any changes in the property, facility and/or activity since either the variance was authorized or the previous annual report submittal.
 2. A summary and copy of any monitoring or testing results received by the applicant and/or owner relating to water quality.

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3. A report on any incidence of non-compliance with any conditions of the variance or other part of this Section and what action(s) taken in order to return to compliance.
- C.) Develop, receive approval of, and implement a plan to protect the surface and ground water supply source from potential contamination associated with the property, facility and/or activity. This plan shall include but not be limited to the following:
1. A description of operating procedures implemented in order to meet the conditions of the authorized variance that incorporate applicable best management practices.
 2. A drainage control plan implemented in order to meet the conditions of the authorized variance.
 3. A property, facility and/or activity specific waste disposal program and procedure guide.

If, in the opinion of the Commissioner of Health, compliance with all conditions of the authorized variance fail to meet the purpose of this Section, the applicant and/or owner shall immediately terminate the offending use or activity and shall remediate any contamination of the surface or ground water supply source.

9. Appeals of this Section shall be undertaken as follows:
 - a.) An appeal of a denial of an application for approval of a regulated activity, or of an application for approval of a variance, or of an alteration or modification of a regulated activity or noncomplying regulated activity shall be in such a manner as is provided by law.
 - b.) An appeal of a modification, suspension or revocation of an approval of a regulated activity or of any variance issued by the Commissioner of Health shall be in such a manner as is provided by law.
10. Enforcement of this Section shall be undertaken pursuant to PHL Section 1102 and 1103, and may ultimately result in an application of the Commissioner of Health to any court of competent jurisdiction. Enforcement shall be initiated by the *public water system* delivering

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formal notice to the property owner of the *public water system's* determination of any apparent or actual violation of this Section. Such notice shall include a copy of the rule or regulation of this Section that has been apparently or actually violated and the action necessary to reach compliance. If such notice does not result in compliance within a reasonable period after the original notice date, as determined by the *public water system*, the Tompkins County Health Department (TCHD) shall be informed and assume further enforcement responsibility. If the activity does not result in compliance within a reasonable period following the TCHD initial action, as determined by the TCHD, the Commissioner of Health shall be informed and assume ultimate enforcement responsibility.

{A public water system may deem it necessary to be more specific with the above step-by-step enforcement process description. The following procedural steps are one method of such further detail.}

- a.) Prior to the PHL enforcement proceedings described above, the *public water system* will attempt to resolve any non-compliance with this Section through more informal channels. Apparent non-compliance within the agricultural and farm industry will be coordinated with representatives of the TCSWCD. The TCSWCD may assist with other apparent non-complying activities as well.
 - b.) The *public water system* will provide the owner of the apparent non-complying activity with the information necessary to understand the nature of the non-compliance. The owner may rely on the support of representatives from the public or private agency of their choice to assist in the response to the *public water system's* informal and any formal proceedings.
 - c.) Issues related to properties, facilities, and/or activities that border two or more watersheds (and therefore possibly subject to two or more sets of watershed rules and regulations), will be explained to the property owner by the *public water system* prior to any formal enforcement proceedings.
 - d.) Once the formal enforcement proceedings begin, the Tompkins County Board of Health may at any time intercede and attempt to resolve the non-compliance or related issue.
11. Separability and Validity. If any provision of this Section is held invalid, such invalidity shall not affect other provisions, which shall be given effect without the invalid provisions.

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12. Amendments. Except as noted in the Variance part of this Section, amendments to these rules and regulations are considered revisions and therefore required the *public water system* to follow the same adoption procedures required for the originally established rules and regulations. A procedure and flow chart summarizing these procedures is attached to these rules and regulations as Appendix "E."

F. Ground Water:

1. Protection Zones for Ground Water Sources. Zone I-G is the well-head protection area. Zone II-G is the recharge area(s) for ground water or aquifers. Zone III-G is the watershed area tributary to the recharge area(s) as defined earlier. The specific rules and regulations that follow become more stringent as one moves from Zone III-G to Zone I-G. Zone I-G is included in Zone II-G and III-G; and Zone II-G is included in Zone III-G. An illustration of these zones is shown on Appendix D.

{A public water system should modify the definitions of the protection zone boundaries as it deems appropriate. A note of caution - make the entire document consistent with any modifications made.}

2. Specific Regulations, Zone III-G (Watershed tributary to the recharge area Zone II-G):

a.) Onsite Disposal Systems:

- 1.) A permit from the Tompkins County Health Department is required prior to the installation of any individual, or nonmunicipal sewage disposal system in Tompkins County. Outside of Tompkins County, this permit must be obtained from the county Health Department, from the district health office, the New York State Department of Environmental Conservation or municipality having jurisdiction.
- 2.) The design, construction and operation of the sewage system shall conform to the applicable standards and permit requirements of the permit-issuing office. Generally, these are based on and are at least as strict as (a) the standards contained in 10 NYCRR 75 for systems with flows of 1,000 gallons per day or less of sanitary wastes that discharge to the ground water, and (b) the New York State Department of Environmental Conservation standards for systems with flows in excess of 1,000 gallons per day or those that contain industrial waste or that discharge to a surface water.

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G. Surface Water:

1. Protection Zones for Surface Water Sources. Zone I-S includes surface water area within 1,000 feet of an intake. Zone II-S includes surface water area within one mile of an intake. Zone III-S includes surface water and land area from all or part of the tributary watershed. Zone IV-S includes remaining water and land area within a watershed not included in Zone III-S. Detailed definitions of protection zones by categories are found earlier in this Section. The specific rules and regulations that follow become more stringent as one moves from Zone IV-S to Zone I-S. Zone I-S is included in Zones II, III and IV-S. Zone II-S is included in Zone III and IV-S. Zone III-S is included in Zone IV-S. Appendix A, B and C show typical surface water protection zones.

{A public water system should modify the definitions of the protection zone boundaries as it deems appropriate. A note of caution - make the entire document consistent with any modifications made!.}

2. Categories of Surface Water Supply Sources. The categories of surface water supply sources shall be lakes, reservoirs and watercourses.
3. Specific Regulations, Zone IV-S (remaining land and water area of watershed outside of Zone III-S):
 - a.) Protection Zone Knowledge -- public water system shall maintain information on any property, facility, and/or activity within this zone that could pose a pollution threat to the source of water supply of the public water system.
 - b.) Compliance -- violations of any general water pollution control program and related federal or state environmental protection rules and regulations shall require enforcement action in accordance with these rules and regulations.
4. Specific Regulations, Zone III-S (water and land area from all or part of tributary watershed):
 - a.) Onsite Disposal Systems:
 - 1.) A permit from the Tompkins County Health Department is required prior to the installation of any individual, or non-municipal sewage disposal system in Tompkins County. Outside of Tompkins County, this permit must be obtained

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from the county Health Department, from the district health office, the New York State Department of Environmental Conservation or municipality having jurisdiction.

- 2.) The design, construction and operation of the sewage system shall conform to the applicable standards and permit requirements of the permit-issuing office. Generally, these are based on and are at least as strict as (a) the standards contained in 10 NYCRR 75 for systems with flows of 1,000 gallons per day or less of sanitary waste that discharge to the ground water, and (b) the New York State Department of Environmental Conservation standards for systems with flows in excess of 1,000 gallons per day or those that contain industrial waste or that discharge to a surface water.
 - 3.) No ground water discharging portion of a sewage system shall be constructed, placed or rebuilt within 100 feet limiting distance of any lake, reservoir or their tributary watercourses unless a specific waiver has been issued by the permit-issuing office.
- b.) Point Source Discharges: Point source discharges, including those from boats, are prohibited, except as allowed in accordance with state and federal rules and regulations.
 - c.) Storm Water Outlets: Storm water outlets shall be designed and installed in accordance with the standard BMP defined earlier in this Section. Such outlets shall not be made directly to any lake, reservoir, or their tributary watercourses that would violate local, state, and/or federal law.
 - d.) Snow Disposal: Routine dumping of snow removed from streets, roads and parking areas directly into any lake, reservoir, or their tributary watercourses is prohibited.
 - e.) Refuse Disposal Areas and Junkyards:
 - 1.) No refuse disposal area shall be located within a 250 feet linear distance off any lake, reservoir or their tributary watercourses.
 - 2.) Solid waste disposal facilities shall conform to 6 NYCRR 360; shall have been issued the required construction and operating permits; and shall operate in accordance with such permits.

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- 3.) Abandoned refuse disposal sites, landfills and dumps will be identified by the public water system, and reported to the New York State Department of Environmental Conservation for investigation. The public water system shall track any investigations and/or remedial actions.
- 4.) No junkyard shall be located within a 250 feet linear distance of any lake, reservoir, or their tributary watercourses.
- f.) Animal Wastes Storage and Disposal: Areas used for the storage, stockpiling, or disposal of non-agricultural or agricultural associated animal waste shall be in conformance with the standard BMP defined earlier in this Section.
- g.) Sewage, Septage and Sludge: Disposal and/or storage of sewage, septage, and municipal sludge is prohibited where such disposal and/or storage violates local, state, and/or federal law.
- h.) Hazardous Substances:
 - 1.) Storage, disposal, and/or transportation of hazardous substances is prohibited where such storage, disposal, and/or transportation violates local, state, and/or federal law.
 - 2.) Hazardous substances and petroleum products shall not be buried in the soil, spread upon the surface of the ground or allowed to enter surface waters.
- i.) Radioactive Material: Disposal of radioactive material is prohibited where such disposal violates local, state, and/or federal law.
- j.) Fertilizer Use:
 - 1.) Storage and use of fertilizers for agricultural purposes shall be in conformance with the standard BMP defined earlier in this Section.
 - 2.) Fertilizer use for non-agricultural and non-residential application shall be in accordance with BMP acceptable to the TCSWCD.

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- k.) Pesticide Use: The storage, application, use, discharge, and/or disposal of pesticides:
- 1.) Is prohibited where such storage, application, use, discharge, and/or disposal of violates State or Federal law.
 - 2.) Shall be in conformance with the standard best management practices (BMP) defined earlier in this Section.
 - 3.) For non-agricultural and non-residential purposes shall be in accordance with BMP acceptable to the TCSWCD.
- 1.) Releases, Discharges and Spills:
- 1.) Pursuant to Navigation Law, Article 12, Sections 170 through 197, discharges of petroleum shall be reported to the NYS DEC Spill Response Hotline (800) 457-7362 immediately, but in no case later than two hours after a discharge, and must be cleaned up.
 - 2.) Pursuant to Section 31 l(b)(3) of the Clean Water Act, immediate notification of the federal National Response Center (800) 424-8802 is required as soon as there is knowledge of an oil discharge that violates water quality standards or causes sheen on navigable waters.
 - 3.) Any release of a hazardous substance in an amount greater than a reportable quantity must be reported to the NYS DEC under 6 NYCRR Parts 595, 596, 597 and to the federal National Response Center (800) 424-8802 under the federal Water Pollution Control Act and 40 CFR Part 117.21.
 - 4.) Spills of any other material stored in bulk shall be reported as required by ECL Section 1743. Clean-up of spills is the responsibility of the owner. In cases of material in transit, clean-up is the responsibility of the carrier.
 - 5.) Any person that recognizes or suspects a release, discharge or spill shall notify the public water system and the Tompkins County Office of Environmental Health of all releases, discharges or spills identified above

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m.) Stockpiles:

- 1.) Storage of chloride salts is prohibited within a 500 feet linear distance of any lake, reservoir, or their tributary watercourses where such storage violates local, state, and/or federal law.
- 2.) Storage of coal or coal by-products is prohibited where such storage violates local, state, and/or local law.
- 3.) Compost Facilities shall be managed in accordance with 6 NYCRR, Part 360.

n.) Deicing Salt Application: Use of deicing substances by commercial, industrial or governmental entities shall be restricted to the amounts necessary to protect public safety as set forth in the "New York State Department of Transportation Guidelines for Snow and Ice Control Materials 1989-90 Winter Season and Beyond." A copy of the guide or its successor shall be acquired and kept on file by the *public water system*.

o.) Cemeteries: No burial of a human or animal body shall be made within a 250 feet linear distance of any lake, reservoir, or their tributary watercourses.

p.) Sediment Generation:

- 1.) Farm tillage practices shall be in conformance with the standard BMP defined earlier in this Section.
- 2.) All land-disturbing activity, including, but not limited to, general construction, highway construction, access road construction, and road maintenance shall be in conformance with the standard BMP defined earlier in this Section.
- 3.) Pursuant to the federal Water Quality Act of 1987 (Clean Water Act Amendments), construction activities, including, clearing, grading and excavation activities, if the disturbed area is more than five acres, or less than five acres if it is part of a larger plan of development or sale, are classified as associated with industrial activity and must therefore fulfill federal and state storm water permitting requirements prior to discharging storm water from the site.

q.) Recreation: Recreational land and water use shall be managed to prevent any adverse impact on water quality.

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- r.) Impoundment Releases: Releases from impoundments shall be managed so as to prevent adverse environmental downstream impacts on water quality.
5. Specific Regulations, Zone II-S (includes water surface area one mile upstream of intake):
- a.) Point Source Discharges: The point source discharge of waste is prohibited. This shall include, but not be limited to, that:
- 1.) for which a State Pollution Discharge Elimination System permit is required;
 - 2.) from storm water, diversion ditches, culverts and all other sources: and
 - 3.) from commercial and recreational boats.
- b.) Recreation Use: In reservoirs, recreation is prohibited except for permitted fishing from shoreline or by using a non-motorized boat.
- c.) Foreign Matter: No waste or other matter shall be discharged, placed, applied or thrown into these waters including herbicides or pesticides except for the application of copper sulfate for control of algae with the approval of the NYSDEC and knowledge and permission of the public water system.
6. Specific Regulations Zone I-S (includes surface water area within 1000 feet of intake):
- a.) Water and Land Use:
- 1.) Water surface use including recreational activities is prohibited. Notification of the public of these restrictions shall be made by posting signs in appropriate locations. The public water system shall perform regular patrols during recreation season(s) to enforce this restriction.
 - 2.) A strip of land 600 feet in width and 1000 feet in length shall be reserved, surrounding a lake water supply intake, where no intensive land use including recreational activities is allowed. This land shall be controlled to prevent pollution of the ground or surface water by direct ownership of the land or by the acquisition of protective easements or other appropriate measures.

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- 3.) A strip of land 300 feet in width and 500 feet in length shall be reserved around reservoir water supply intakes where no intensive land use including recreational activities shall be allowed. The land shall be controlled to prevent pollution of the ground or surface water by direct ownership of the land or by the acquisition of protective easements or other appropriate measures.
- b.) Foreign Matter: No waste or other matter shall be discharged, placed, applied or thrown into these waters including herbicides or pesticides.