

WATERSHED RULES & REGULATIONS

for the

PROTECTION

of the

PUBLIC WATER SUPPLY

of the

CITY OF ITHACA,

TOMPKINS COUNTY

Promulgated by the New York State Commissioner of Health  
under section 1100 of the Public Health Law

Engineering & Utilities Division  
Water Treatment  
1/16/91  
(rev. 2)

Pursuant to the authority vested in me as State Commissioner of Health by section 1100 of the Public Health Law, I hereby repeal section \_\_\_\_\_ of Part \_\_\_\_\_, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ to be effective on filing in the Office of the Department of State, and add a new section to read as follows:

Section \_\_\_\_\_ City of Ithaca, Tompkins County

(a) APPLICATION: The rules and regulations herein set forth, duly made and enacted in accordance with the provisions of sections 1100-1107 of the Public Health Law shall apply to all natural and artificial reservoirs on Six Mile Creek and its tributaries which serve as sources of the public water supply of the City of Ithaca, Tompkins County, and to all watercourses tributary thereto or ultimately discharging into said reservoirs.

(b) DEFINITIONS:

(1) Animal waste shall mean animal feces & urine.

(2) Board of Public Works for the City of Ithaca shall mean the officers of said Board or it's duly authorized representatives.

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

(4) Emergency source shall mean, but is not limited to, the Van Nattas dam intake at the lower portion of the watershed property owned by the City of Ithaca, Water Dept.

(5) Fertilizers shall mean any commercially produced compound or mixture generally containing phosphorous, nitrogen, and potassium which is applied to the ground to increase nutrient availability to plants.

(6) Ground water shall mean any water beneath the land surface in a saturated zone which is under atmospheric or artesian pressure and which may enter wells and springs.

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

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

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

(10) Linear\_\_\_distance shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water mark of a reservoir or to the edge, margin, or steep bank forming the ordinary high water line of a watercourse.

(11) Manure shall mean animal waste obtained from the operation of a farm and usually deposited on the surface of the ground for fertilization purposes.

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

(13) Point\_source\_discharge shall mean any outlet, outfall or localized discharge occurring at a discrete, identifiable location, including, but not limited to, effluent from industrial and sewage treatment works, farm buildings, and solid waste disposal sites.

(14) Pollutant shall mean, but is not limited to, dredge spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

(15) 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 infrared, or ultraviolet light.

(16) Refuse shall mean, but is not limited to, all putrescible and nonputrescible solid wastes including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

(17) Refuse\_disposal\_area shall mean land used for the depositing of refuse except that it shall not include the land 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 only animal wastes resulting from the operation of such farm are deposited.

(18) Reservoir shall mean any natural or artificial lake or pond which is tributary to or serves as a source of the City of Ithaca

water supply.

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

(20) Sewage disposal system shall mean any system used for disposing of sewage; including an onsite disposal system and its seepage unit.

(21) Sludge shall mean the solid residue resulting from a municipal, private, or industrial process waste stream which also produces a liquid stream of effluent.

(22) Toxic chemical shall mean any organic or inorganic substance, including but not limited to petroleum derivatives, any metallic elements, including the transition series, and any hazardous wastes, which may pose a substantial present or potential threat of producing injury or disease upon exposure, ingestion, inhalation, or assimilation by a living organism.

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

(24) Water Dept. property shall mean those lands deeded to, as well as those owned and maintained by the Water Dept. for the City of Ithaca, from the old pump station at Van Nattas, upstream to the Town of Dryden Line.

(25) Water supply shall mean the public water supply of the City of Ithaca.

(26) Watercourse shall mean every spring, stream, marsh, or channel of water of any kind which flow or may flow into the City of Ithaca water supply.

(27) Watershed shall mean the entire drainage area contributing to the City of Ithaca water supply.

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

York (10 NYCRR Part 170).

(d) SPECIFIC PROHIBITIONS:

(1) Agricultural wastes:

(i) No animal wastes or manure shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.

(ii) No animal waste or manure shall be spread or otherwise deposited on or beneath the surface of the ground within a 150 foot linear distance of any reservoir or watercourse (exceptions: single family garden plots - 75 foot linear distance).

(iii) Animal wastes applied to within a 150 foot (or 75 foot, for single family use) linear distance of any reservoir or watercourse shall be plowed underground on the same day it is spread.

(iv) No manure shall be simply deposited or spread upon the surface of the ground within a 250 foot linear distance of any reservoir or watercourse.

(v) No areas receiving animal waste shall be so located or maintained in such a manner that the drainage or surface run-off therefrom may pollute any reservoir or watercourse.

(vi) No barnyard feedlot, hogyard, pigpen, poultry house or stable shall be so located or maintained in such a manner that the drainage or surface run-off therefrom may pollute any reservoir or watercourse.

(vii) No animal or poultry shall be allowed to stand, wade, wallow, or swim nor to be washed, or watered in any reservoir and no watering shall be maintained in such a way as to pollute any watercourse with excremental matter.

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

(3) Chloride salts:

(i) No chloride salt shall be stored within a 500 foot linear distance of any reservoir or watercourse except in weather-proof buildings or watertight vessels.

(ii) Deicing salt use shall be restricted to the minimum needed for public safety.

(iii) Where possible, calcium chloride shall be used instead of sodium chloride to limit sodium input to the water supply.

(4) Fertilizers:

(i) Open storage of artificial fertilizers for commercial use is prohibited.

(ii) Agricultural use of fertilizers shall be in conformance with the best management practices as developed by the State and local soil and water conservation agencies and as implemented by the preparation and use of farm plans required by soil and water conservation district law section 9, subdivision 7a.

(iii) Fertilizer use for non-farm and non-residential application shall be in accordance with the best management practices as developed under item (ii).

(5) Herbicides and pesticides: No herbicides or pesticides shall be stored, discharged, applied, or allowed to enter into any reservoir or watercourse except for the supervised application of copper sulfate for the purpose of algae control by duly authorized employees of the City of Ithaca.

(6) Human excreta and sewage:

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

(ii) No human excreta or sewage shall be deposited or spread upon the surface of the ground at any point on the watershed.

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

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

(v) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed, rebuilt, or repaired within a 150 foot linear distance, nor allowed to remain within a 100 foot linear

distance, of any reservoir or watercourse. All subsurface sewage disposal systems shall have a vertical distance of not less than two feet from the lowest portion of the system to groundwater. An exemption may be granted by the County Health Department for the repair of an existing system within 150 foot linear distance, but not less than 100 foot linear distance, of any reservoir or watercourse.

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

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

(viii) Before any existing sewage disposal system is altered or any new sewage system is constructed on the watershed, the plan in relation thereto shall have been first approved by the appropriate local or State agency having jurisdiction over such a facility. Standards for waste treatment works as published from time to time by the appropriate State agency having jurisdiction over such facility and paragraph (v) of this subdivision shall comprise the criteria to approve any proposed sewage disposal system.

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

(7) Point-source discharges: The point source discharge of sewage, waste or wastewater to any reservoir or watercourse is prohibited. This shall include but not be limited to sewage, waste and wastewater;

(i) for which a State Pollution Discharge Elimination System permit is required;

(ii) from storm sewers, diversion ditches, culverts and all other sources;

(iii) from boats.

(8) Radioactive materials: No radioactive material of any quantity shall be buried or in any other manner disposed of within the watershed.

(9) Recreation:

(i) Bathing and swimming: No bathing and swimming shall be allowed in any water supply reservoir or tributary watercourse owned by the City of Ithaca.

(ii) Boating: No boating shall be allowed in or upon the water of any water supply reservoir or tributary watercourse owned by the City of Ithaca except by duly authorized employees of the City of Ithaca in the performance of their duties of supervision and maintenance of the water supply.

(iii) Fishing, hunting and trespassing: No fishing, hunting or trespassing shall be allowed on the watershed property without written permission of the Water Dept., except for those uses and areas already designated; nor shall be allowed upon any water supply reservoir or tributary watercourse owned by the City of Ithaca Water Dept. within a 1000 foot linear distance upstream and 300 foot linear distance downstream of the water supply intakes except for duly authorized employees of the City of Ithaca in the performance of their duties of supervision and maintenance of the water supply.

(10) Sediment:

(i) Construction and mining: All land disturbing activities including, but not limited to, mining operations, general construction, and road and highway construction is prohibited except where remedial measures have been put in place to minimize erosion and sediment production; and to maintain access for maintenance purposes of the water supply and transmission line by duly authorized employees of the City of Ithaca in the performance of their duties of supervision and maintenance of the water supply.

(ii) Stormwater: Stormwater outlets shall not be made directly to any reservoir or watercourse. Provision shall be made for runoff detention such that stormwater outflow from a site after development does not exceed the outflow from that site prior to development.

(11) Solid waste:

(i) Junkyards: No junkyard shall be located within a 250 foot linear distance of any reservoir or watercourse.



(ii) Refuse: No refuse shall be deposited on or beneath the surface of ground within a 250 foot linear distance of any reservoir or watercourse.

(iii) Snow: The dumping of snow removed from streets, highways, roads, and parking areas into any reservoir or watercourse is prohibited.

(iv) Refuse disposal area: No refuse disposal area shall be located within a 500 foot linear distance of any reservoir or watercourse.

(12) Toxic chemicals and sludges:

(i) Storage: No container used for the storage of toxic chemicals shall be buried beneath the surface of the ground within a 500 foot linear distance of any reservoir or watercourse.

(ii) Disposal: Disposal of toxic chemicals and sludges is prohibited. Toxic chemicals and sludges shall neither be buried in the soil, spread upon the surface of the ground, nor allowed to enter any reservoir or watercourse.

(13) Miscellaneous:

(i) Structures: No hut, tent, shelter or building of any kind, except a waterworks structure, shall be permitted on the water or ice of any reservoir or watercourse owned by the City of Ithaca, nor within a 300 foot linear distance of any water supply intake owned and maintained by the City.

(ii) Other wastes: No pollutant of any kind shall be discharged or allowed to flow into any reservoir or watercourse or on or beneath the surface of the ground on the watershed within 500 feet of any reservoir or watercourse.

(e) INSPECTIONS: The Board of Public Works of the City of Ithaca shall by its officers or their duly appointed representative make regular and thorough inspections of the reservoirs, watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the aforesaid Board of Public Works to cause copies of any rules and regulations violated to be served upon the persons violating the same together with notices of violations. If such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the aforesaid Board of Public Works to promptly notify the State Commissioner of Health of such violations. The aforesaid Board of Public Works shall report to the State Commissioner of Health in writing

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

(f) PENALTIES FOR VIOLATIONS: Penalties for violations of these rules and regulations shall be those specified by section 1103 of the Public Health law.

RESOLVED, That Wheler for professional engineering services rendered in connection with the Design and Construction of Wasterwater Monitoring Stations be approved.

September 1985.....\$2,147.64  
January 1986.....\$ 232.30

Carried Unanimously

✓ Revision of Watershed Rules and Regulations  
By Comm. Gerkin: Seconded by Comm. Albanese  
WHEREAS, the City's Watershed Protection Rules and Regulations are over 50 years old and require updating in order to cope with modern problems; now, therefore, be it

RESOLVED, That the Chief Water Treatment Plant Operator and the City Engineer are authorized to prepare revised Watershed Protection Rules and Regulations for review by the Water and Sewer Committee and the Board of Public Works.

Council Liaison Hoffman requested that the 6-Mile Creek Committee be involved in this review.

A vote on the resolution resulted as follows:

Carried Unanimously

- (c) Forward the draft of the proposed rules and regulations and a certified copy of a resolution approving the rules and regulations and requesting the New York State Commissioner of Health to enact such rules and regulations to the LPHE. The LPHE will review the proposal packet and forward it to the Office of Counsel through the Regional Engineer and the Bureau of Public Water Supply in accordance with Environmental Health Manual Item WS 100.

2. The Watershed Rules and Regulations promulgated by the State Commissioner of Health under Section 1100 of the Public Health Law and filed with the Secretary of State do not become operative and valid until: \*

- (a) Rules and Regulations are published at least once each week for two consecutive weeks in at least one newspaper of the county(ies) where the waters, to which the rules and regulations apply are located. Affidavit(s) of publication from the newspaper(s) in which such rules and regulations are published shall be filed, together with the rules and regulations as published, in the County Clerk's Office of such county, and such affidavit(s) and rules and regulations shall be conclusive evidence of such publication, and of all the facts therein stated in all courts and places. Cost of such publication, affidavit(s) and filing shall be paid by the owner(s) of the water supply benefited by the protection of the watershed rules and regulations.

\* One copy of the rules and regulations as published, the affidavit(s) of publication from the newspaper(s) in which such rules and regulations are published and the reference and/or index number assigned to the rules and regulations by the County Clerk's Office at the time of filing should be forwarded to the State Department of Health. Rules and regulations are not filed with the Secretary of State until the above information has been received and processed by the State Department of Health.

Note: The Office of Counsel, New York State Department of Health, transmits copies of proposed watershed rules and regulations to the Offices of the Majority and Minority Leaders of both the Senate and the Assembly for legislative review prior to promulgation by the State Department of Health. This takes at least 21 days.

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For the Secretary: Be sure to type your draft exactly as shown on the (facsimile) copy (pp. 3-13) including "separated" underlining. This is a requirement of the State Recorders Office.