

10 CRR-NY 138.1
NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF
NEW YORK
TITLE 10. DEPARTMENT OF HEALTH
CHAPTER III. PUBLIC WATER SUPPLIES
SUBCHAPTER A. MUNICIPALITIES, DISTRICTS, COMPANIES, INSTITUTIONS
PART 138. RENSSELAER COUNTY
CITIES

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138.1 City of Troy.

(a) Application.

The rules and regulations hereinafter given, duly made and enacted in accordance with the provisions of sections 1100-1107 of the Public Health Law shall apply to sources of supply which comprise the source of the public water supply of the City of Troy, Rensselaer County, NY. Said sources being those portions of the drainage areas of the streams which form or are tributary to the sources of water supply of the Tomhannock Reservoir and the Quackenkill Diverting Dam Reservoir and to all other lakes, ponds or reservoirs whose waters form or are tributary to the sources of water supply of the City of Troy, NY.

(b) Definitions.

- (1) *Herbicide* shall mean any substance used to destroy or inhibit plant growth.
- (2) *Human excreta* shall mean human feces and urine.
- (3) *Junkyard* shall mean an area where two or more unregistered, old or secondhand motor vehicles are being accumulated for purposes of disposal, resale or used parts or reclaiming certain materials such as metal, glass, fabric, etc.
- (4) *Linear distance* shall mean the shortest horizontal distance from the nearest point of the structure or object to the high water mark of a reservoir or to the edge, margin or precipitous bank forming the ordinary high water mark of a watercourse.
- (5) *Pesticide* shall mean any substance used to destroy pests such as rodents and insects.

(6) Every watertight receptacle referred to in paragraphs (4) and (9) of this subdivision shall be emptied when filled within six inches of the top of the receptacle.

(7) 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 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 paragraph (3) of this subdivision or at a properly designed, constructed and operated sewage disposal system that has been approved by the State Commissioner of Health.

(8) Before any existing sewage disposal system is altered or any new sewage disposal system is constructed on the watershed, the plans in relation thereto shall have been first approved by the State Commissioner of Health. The New York State Health Department "Standards for Waste Treatment Works", Bulletin 1, Parts I, II and III, and paragraph (5) of this subdivision shall comprise the criteria to approve any proposed sewage disposal system.

(9) No sewage or polluted liquid of any kind shall be discharged or allowed to flow into any reservoir or watercourse nor on or beneath the surface of the ground on the watershed (except into watertight receptacles or watertight pipes connected to a sewage disposal system approved by the State Commissioner of Health) within 50 feet of any reservoir or watercourse. These restrictions and limiting distances shall not apply to sewage treatment works installed in accordance with plans which first have been submitted to and approved by the State Commissioner of Health.

(d) Refuse.

No refuse shall be deposited on or beneath the surface of the ground within 50 feet of any reservoir or watercourse.

(e) Refuse disposal area.

No refuse disposal area shall be located within 250 feet of any reservoir or watercourse.

(f) Cemeteries.

No interment of a human body shall be made within 250 feet of any reservoir or watercourse.

(g) Radioactive material.

No radioactive material in excess of the quantity listed for said material in Table 4, Appendix 1, Part 16, Chapter I—Ionizing Radiation—Title 10 Health of the Official Compilation of Codes, Rules and Regulations of the State of New York shall be disposed of by burial in soil within 250 feet of any reservoir or watercourse.

(h) Junk yards.

No junk yard shall be located within 100 feet of any reservoir or watercourse.

(i) Bathing, swimming and wading.

Bathing, swimming and wading of any kind are prohibited in any reservoir or watercourse owned by the City of Troy.

(j) Temporary shelters.

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 Troy.

(k) Boating.

No boating shall be allowed in or upon the waters of any reservoir or watercourse owned by the City of Troy within 1000 feet of any water supply intake, reservoir spillway or reservoir dam except by duly authorized employees of the City of Troy in the performance of their duties of supervision and maintenance of the water supply. No boating utilizing inboard or outboard motors shall be allowed in or upon any reservoir or watercourse owned by the City

of Troy, except by duly authorized employees of the City of Troy in the performance of their duties of supervision and maintenance of the water supply.

(l) Fishing and trespassing.

No fishing or trespassing shall be allowed in or upon any reservoir or watercourse owned by the City of Troy within 1,000 feet of any water supply intake, except by duly authorized employees of the City of Troy in the performance of their duties of supervision and maintenance of the water supply.

(m) Herbicides, pesticides and toxic chemicals.

No herbicide, pesticide or toxic chemical shall be discharged, applied or allowed to enter into any reservoir or watercourse, unless a permit to do so has been obtained from the State Commissioner of Health.

(n) Manure.

No manure pile shall be maintained or allowed to remain within 50 feet of any reservoir or watercourse.

(o) General clause.

In addition to observing the foregoing requirements, all persons living on or visiting the watershed shall refrain from any act, though not heretofore specified, which may result in the contamination of any portion of the water supply.

(p) Inspections.

The commissioner of the Department of Public Utilities of the City of Troy, or his duly authorized representative, shall make regular and thorough inspections of the reservoir, watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the aforesaid commissioner to cause copies of any rules and regulations violated to be served upon the persons violating the same, together with notices of such violations. If such persons served do not immediately comply with the rules and regulations, it shall be the further duty of the aforesaid commissioner to promptly notify the State Commissioner of Health of such violations. The aforesaid commissioner of the Department of Public Utilities 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.

(q) Penalties.

Penalties for violations shall be in accordance with section 1103 of the Public Health Law.

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