

## **Chapter 204**

### **WATER SUPPLY: PROTECTION FROM CONTAMINATION**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Alden as Ch. 160, 12-27-2001 as L.L. No. 1-2001. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Building construction and fire prevention – See Ch. 78.**

**Flood damage prevention – See Ch. 105.**

**Licenses and permits – See Ch. 125.**

**Zoning – See Ch. 210.**

**Fees – See Ch. A220.**

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#### **§ 204-1. Statement.**

- A. Water supply sources are subjected to contaminants from:
- (1) Wastewater discharges to surface and ground water;
  - (2) Improper handling and disposal of waste material;
  - (3) Improper handling, storage and use of materials which are, or may be, contaminating;
  - (4) Accidental spills of contaminating material from storage, during transit or during use, and
  - (5) Water, land and air resource use which may adversely affect water quality.

- B. Public water supply sources have been contaminated in numerous instances because of systems, facilities and activities which were not properly managed or were not appropriately located in relation public water supply resources. The people of the Village of Alden and State of New York have a right to expect, and the Commissioner of Health is obligated to see, that every reasonable precaution and measure is taken to protect water supply resources from contamination and that safe drinking water is available from the public supply sources and systems.
- C. In order to assure the adequate protection of sources of public water supply the following local law has been promulgated.

**§ 204-2. Scope and applicability.**

- A. Minimum requirements are hereby presented to protect Village of Alden water supply sources from contamination. The rules and regulations herein set forth duly made and enacted in accordance with the provisions of the Public Health Law shall apply to the wells which comprise the source of the public water supply of the Village of Alden. Where legal jurisdiction may be outside the Village boundaries; then the laws and regulations as set forth by the U.S. Environmental Protection Agency (EPA), New York State Department of Environmental Conservation (DEC), County Departments of Health and other local and state laws shall apply.

**§ 204-3. Definitions. [Amended 11-22-2022 by L.L. No. 9-2022]**

AQUIFER -- The ground water subsurface geologic formations which are now or may be subsequently developed for use as public water supply sources.

AQUIFER RECHARGE AREA -- The land where precipitation, snow and rain percolates directly through the ground to an aquifer. The aquifer recharge area shall be known as Zone II-G.

BEST MANAGEMENT PRACTICES -- Those methods and practices which have been adopted by the Department of Environmental Conservation to control non-point sources of pollution.

CHLORIDE SALT -- The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter maintenance) or sodium chloride (commonly used for water softener regeneration and for winter maintenance).

ENVIRONMENTAL IMPACT ASSESSMENT – A written evaluation prepared by a permit applicant which provides a description of a proposed project or development and a detailed analysis of its environmental effects.

GROUND WATER -- Any water beneath the land surface in the saturated zone that is under atmospheric or artesian pressure and that enters wells and springs.

HERBICIDE -- Any substance used to destroy or inhibit plant growth.

HUMAN EXCRETA -- Human feces and urine.

JUNKYARD -- An area where two or more unregistered, old or secondhand motor vehicles are being accumulated for purposes of disposal, resale of used parts or an area for the storage or staging of any materials for reclaiming, reuse or holding purposes such as metal, glass, fabric, plastic and/or the like.

LINEAR DISTANCE -- The shortest horizontal distance from the nearest point of the structure or object to the extension of the centerline of the wells or to the other subject delineated.

NONPOINT POLLUTION -- Pollutants resulting from facilities systems and activities which are not specifically covered by effluent permits issued under Title 8, Section 17-0803 of the Environmental Conservation Law.

PESTICIDE -- Any substance used to destroy or inhibit pests such as rodents or insects.

POINT SOURCE POLLUTION -- Pollutants resulting from facilities systems and activities which are covered and operate under a permit issued pursuant to Title 8, Section 17-0803 of the Environmental Conservation Law.

POLLUTANT -- Dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological/medical materials, radioactive materials, hair, wrecked or discarded equipment, rock, sand, cellar dirt, excavated material, liquid waste and industrial, municipal and agricultural waste.

RADIOACTIVE MATERIAL -- Any material in any form that emits radiation spontaneously.

RADIATION – 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 not mean any sound or radio wave, or visible, infrared or ultraviolet light.

REFUSE -- All putrescible and non-putrescible solid waste including garbage, manure, rubbish, ashes, incinerator residue, street cleaning, dead animals and solid commercial industrial wastes.

REFUSE DISPOSAL AREA -- Land used for the depositing of refuse.

SEWAGE -- Any liquid or solid waste matter from domestic, commercial, private or industrial establishment which is normally carried off in sewers or waste pipes.

SEWAGE DISPOSAL SYSTEM -- Any system used for the disposing of sewage.

SURVEILLANCE ZONE -- A ground water management zone as delineated herein; they shall be designated Zone I-G, Zone II-G and Zone III-G.

TOXIC CHEMICAL -- Any compound or substance including but not limited to acids, alkalis, gasoline, kerosene, fuel oil or diesel oil which is or may be harmful or poisonous to humans.

TREATMENT WORKS -- Any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, construction drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fill or other works, not specifically mentioned in this section, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.

WATERCOURSE -- Any natural channel conveying water; a stream, brook, creek or bed of a stream which flows only seasonally.

WATER SUPPLY -- The public water supply of the Village of Alden.

WATERSHED TRIBUTARY TO AN AQUIFER RECHARGE AREA -- That land area which is the tributary surface from which the aquifer is replenished by rain and storm water run off to the aquifer recharge area. The Watershed Tributary to the aquifer recharge area shall be known as Zone III-G.

WELL -- Any present and future artificial excavation used as a source of public water supply which derives water from the interstices of rocks or solid ground which it penetrates including bored wells, drilled wells and driven wells.

WELL HEAD PROTECTION AREA -- The area within a circle which has a radius from the center of the well casing as determined by the following Table. This shall be known as Zone I-G:

WATER SUPPLY:  
PROTECTION FROM CONTAMINATION

<u>Contaminant Source</u>	<u>Minimum Distance (Feet)</u>
<u>Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage)<sup>2</sup></u>	<u>300</u>
<u>Landfill waste disposal area, or hazardous or radiological waste disposal area<sup>2</sup></u>	<u>300</u>
<u>Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility</u>	<u>200</u>
<u>Land surface application or subsurface injection of septage waste</u>	<u>200</u>
<u>Land surface spreading or subsurface injection of liquid or solid manure<sup>3</sup></u>	<u>200</u>
<u>Storage Areas for Manure piles<sup>4</sup></u>	<u>200</u>
<u>Barnyard, silo, barn gutters and animal pens<sup>5, 6</sup></u>	<u>100</u>
<u>Cesspools (i.e. pits with no septic tank pretreatment)</u>	<u>200</u>
<u>Wastewater treatment absorption systems located in coarse gravel or in the Direct path of drainage to a well</u>	<u>200</u>
<u>Fertilizer and/or pesticide mixing and/or clean up areas</u>	<u>150</u>
<u>Seepage pit (following septic tank)<sup>5</sup></u>	<u>150</u>
<u>Underground single walled chemical or petroleum storage vessels</u>	<u>150</u>
<u>Absorption field or bed<sup>5</sup></u>	<u>100</u>
<u>Contained chemical storage sites protected from the elements (e.g. salt and sand/salt storage within covered structures)<sup>7</sup></u>	<u>100</u>
<u>Septic system components (non-watertight)<sup>5</sup></u>	<u>100</u>
<u>Intermittent sand filter without a watertight liner<sup>5</sup></u>	<u>100</u>
<u>Sanitary Privy pit<sup>5</sup></u>	<u>100</u>
<u>Surface wastewater recharge absorption system constructed to discharge storm water from parking lots, roadways or driveways<sup>5</sup></u>	<u>100</u>
<u>Cemeteries</u>	<u>100</u>
<u>Sanitary privy with a watertight vault</u>	<u>50</u>
<u>Septic tank, aerobic unit, watertight effluent line to distribution box</u>	<u>50</u>
<u>Sanitary sewer or combined sewer</u>	<u>50</u>
<u>Surface water recharge absorption system with no automotive-related Wastes (e.g., clear-water basin, clear-water dry well)</u>	<u>50</u>
<u>Stream, lake, watercourse, drainage ditch, or wetland</u>	<u>25</u>
<u>All known sources of contamination otherwise not shown above</u>	<u>100</u>

ZONE DESIGNATION -- Zone I-G is the Well Head Protection Area; Zone II-G is the Aquifer Recharge Area; and Zone III-G is the Watershed Tributary to the aquifer recharge area.

**§ 204-4. General provisions.**

- A. Surveillance zones shall be designated, by the Village of Alden, for each public water supply source for both ground and surface water and filed with the Commissioner of Health.
- B. Inspections shall be made by the Village of Alden and may be made by the Department of Health in accordance with a schedule agreed to by the Village and Department of Health.
- C. Applicable permits and approvals by State agencies or political subdivisions must be obtained for the manufacture, use, storage, disposal or discharge of any products, materials or by-products such as liquid or solid wastes within the zones which might adversely effect water supply sources, including but not limited to:
  - (1) SPDES permit;
  - (2) Onsite disposal systems;
  - (3) Land application of waste water;
  - (4) Disposal wells;
  - (5) Recharge basins, landfills, septic and sludge disposal;
  - (6) Hazardous and toxic materials;
  - (7) Radiological materials;
  - (8) Wastewater lagoons or pits;
  - (9) Pesticide storage;
  - (10) The manufacture, storage, use and disposal of these items.

All permits must be in conformance with these rules and regulations and insure that the standards for raw water quality are met. No systems, facilities or activities which would significantly degrade existing water quality are to be permitted.

- D. Monitoring of water quality in the surveillance zones shall be the responsibility of the Village of Alden Department of Public Works. A monitoring schedule shall be established that will develop an information base to demonstrate both acute and chronic changes in water quality over time. This requirement is in addition to intake raw water monitoring.
- E. Exceptions to the rules and regulations may be granted by the Commissioner of Health and/or the Village of Alden after appropriate study and review, based on prior usage or unique local conditions if, in their judgement, the health and safety of the consuming public will be protected because of treatment provided or other remedial action taken. Such exceptions, when obtained, shall be given in writing to the Village and then a public hearing on the question will be held prior to the Village of Alden issuing permits or taking action.
- F. Environmental assessments shall be prepared covering:
  - (1) All continuing program activities and;
  - (2) Special projects within the surveillance zones that may adversely affect water quality.
- G. A full environmental impact statement in accordance with the DEC, may be required, if the environmental review warrants. Any significant change in land use requires an environmental assessment as determined by the Village of Alden.
- H. Potential water supply sources not yet developed and utilized may have surveillance zones designated to allow management of water bodies, watersheds, and ground water recharge areas and to preserve water quality for water supply purposes.

**§ 204-5. Specific regulations: Zone I-G.**

- A. All land shall be protected and controlled through direct ownership of the land or through the acquisition of protective easements or other appropriate measures by the Village of Alden in order to prevent pollution of the ground or ground water supply.
- B. All systems, facilities and activities are prohibited except for physical pumping and treatment facilities and controls. The area shall not be used for any other purpose than public water supply.
- C. All well heads and containment buildings must be in conformance with federal, state and local flood plain management or similar regulations or ordinances to

prevent their contamination by flood waters. This area shall further be protected from pollution by surface waters originating outside thereof by the construction of suitable diversion ditches or embankments. The development of the water resources shall be so carried out that there shall be no opportunity for pollution to enter the water sources.

- D. The physical pumping facilities and controls shall be protected against damage from tampering by fencing or other suitable enclosures or by their manner of construction and installation.
- E. The area shall be posted prohibiting trespass for any purpose.

**§ 204-6. Specific regulations: Zone II-G.**

A. On site disposal systems

- (1) All onsite disposal systems serving single family residences of ten (10) persons or less, or with flows less than one thousand (1000) gallons per day shall be designed, installed and maintained in accordance with the sanitary code standards. Local county sanitary codes and town and village ordinances shall also apply if they contain more stringent standards. However, if a sanitary sewer line is within three hundred (300) feet of the property the owner must connect to the existing line.
- (2) A permit, from the Village is required prior to the installation of any subsurface disposal system. Conditions for a permit shall include an approved engineering plan, verification of the percolation rate by a licensed engineer and inspection of the installation prior to backfilling.
- (3) The applicable standards and permit requirements of the Department of Environmental Conservation shall apply to systems with flows in excess of one thousand (1000) gallons per day.
- (4) The use of sewage systems cleaners or additives is prohibited.
- (5) Where there is evidence that chlorides and/or nitrates are increasing at an undesirable rate additional measures may be promulgated, by the Village of Alden, to minimize their affect.
- (6) Land application of wastewater is prohibited.
- (7) Disposal wells are prohibited.



- (8) Use of storm water runoff recharge basins is prohibited.
- (9) The stockpiling of snow removed from urbanized areas on the ground surface is prohibited.
- (10) The establishment of refuse disposal areas or junkyards is prohibited. A comprehensive monitoring program for existing and abandoned refuse areas or junkyards is required and must be filed by both the owner and any user of the property with the Village of Alden upon such additional terms as may be required by the Village.
- (11) Farm animal wastes shall not be concentrated except where provision has been made to prevent seepage to the ground water. Suitable storage facilities, as determined by the Village of Alden, are required when it is not possible to spread or dispose of waste on a daily basis. Such storage facilities must be maintained by both the owner of the property and the user of such facilities at all times to prevent seepage to the ground water.
- (12) Land application of septic and municipal sludge is prohibited.
- (13) All sewers installed shall be tight and remain tight within the allowable range, as required, at the time of installation as the state of the art allows. Remedial measures shall be taken by the owner if evidence indicates excessive infiltration is occurring. New sewers shall meet the tightness specifications for water mains as a minimum.
- (14) No toxic chemical identified by the U.S. Environmental Protection Agency or the Department of Environmental Conservation shall be stored except under permit from the Village of Alden and those agencies. Disposal of toxic chemicals and industrial waste is prohibited. Toxic chemicals shall not be buried in the soil, spread upon the surface of the ground or allowed to enter ground waters. The Village of Alden reserves the right and authority to approve or disapprove permits within its jurisdiction.
- (15) Use of wastewater lagoons and pits is prohibited.
- (16) Disposal of radioactive material is prohibited.
- (17) Use of fertilizers shall be in conformance with the best management practices as developed by the state soil and water conservation committee and as implemented by the preparation and use of farm plans as required by the soil and water conservation laws. Open storage of artificial fertilizers for commercial use is prohibited.

- (18) No pesticides or herbicides shall be used until an environmental assessment is made specifically addressing the question of ground water contamination. All pesticide and herbicide storage, use and application shall be under permit as provided by environmental conservation law. Use of streams, disposal of containers and washing equipment used in conjunction with pesticides and herbicides is prohibited.
- (19) Oil spills shall be reported and cleaned pursuant to navigation law sections. Spills of any other material shall be reported as required by the environmental conservation law. The Commissioner of Health and the Village of Alden shall be advised of any accidental spills within forty-eight (48) hours.
- (20) Storage of chloride salts is prohibited except in waterproof buildings or in water tight vessels. Deicing salt use is restricted to the minimum amount needed for public safety in accordance with best management practices.
- (21) All cemeteries shall be operated in accordance with department of health rules and regulations.
- (22) Underground storage of petroleum products or any other chemicals or radioactive material is prohibited.
- (23) Where ground water deterioration is likely to be caused by land development, the Village of Alden and the Department of Health shall insure that appropriate zoning and other controls are implemented to protect the ground water including, where appropriate, the designation of the aquifer as a "sole source" as permitted in § 1442(e) of the Safe Drinking Water Act.
- (24) Environmental assessments must be prepared for the following and submitted to the Village and Department of Health for review and comment before any permits are issued:
  - (a) Excavations or cut-ins which expose ground water permanently or during maximum elevation of the water table, or which significantly reduce the thickness of the soil cover and thereby eases the entrance of contaminants into ground waters;
  - (b) The establishment of sand and gravel mining operations;
  - (c) The construction of overhead transmission lines, liquefied natural gas lines or other pipelines for materials which can impair water quality;

(d) Surface transportation corridors.

- (25) All oil and gas wells shall be constructed in accordance with the requirements of the Village of Alden and Department of Environmental Conservation. All water supply wells shall be constructed and maintained in accordance with the requirements of the Department of Health. All abandoned wells shall be sealed in accordance with the requirements for oil, gas and water supply wells.
- (26) Any water supply wells or any other wells which allow salt water intrusion shall be taken out of service and permanently sealed.

**§ 204-7. Specific regulations: Zone III-G.**

- A. All onsite disposal systems serving single-family residences of ten (10) persons or less or with flows of less than one thousand (1000) gallons per day shall be designed, installed and maintained in accordance with the sanitary code and the standards promulgated in local county sanitary codes and town and village ordinances shall also apply if they contain more stringent standards.
- B. A permit is required from the Village of Alden prior to the installation of any subsurface disposal system.
- (1) Conditions for a permit shall include an approved engineering plan, verification of the percolation rate by a licensed engineer and inspection of the installation prior to backfilling.
- (2) The use of system cleaners or additives are prohibited.
- (3) No portion of the seepage unit shall be constructed, placed or rebuilt within one hundred (100) linear feet distance of the recharge area or tributary water courses.
- C. Point source discharges to tributary streams are prohibited unless treatment equivalent to sand filtration and disinfection is provided for domestic wastewater and equivalent treatment for industrial wastewater. All effluents will meet drinking water standards.
- D. Storm water outlets shall not discharge directly to streams and water courses. Provision shall be made to discharge to the surface of the ground one hundred (100) feet from a water course and a recharge area.

- E. The dumping of snow removed from the streets, roads and parking areas directly into streams is prohibited.
- F. No refuse shall be deposited on or beneath the surface of the ground within a three hundred (300) linear feet distance of any watercourse or Zone II-G. Solid waste disposal facilities shall conform to DEC regulations and be under permit. No junkyards shall be located within three hundred (300) linear feet distance of any water course or Zone II-G.
- G. No concentration of animal wastes from agriculture operations including but not limited to manure piles, feed lots, barnyards and yard areas shall be located within three hundred (300) linear feet distance from any water course or Zone II-G. Barnyards, manure piles, etc. shall be separated from streams by ditches or surface grading to prevent their runoff from entering streams.
- H. Provision shall be made for satisfactory disposal of milk house waste either by surface or subsurface irrigation that prevents any discharge to any water course or Zone II-G. Such facilities shall be located at least two hundred (200) linear feet distance from any water course or Zone II-G.
- I. No septic waste, municipal sludge or human excreta shall be disposed of unless deposited in trenches or pits at a linear distance of not less than three hundred (300) feet from any water course or Zone II-G and covered with not less than one (1) foot of soil in such manner effectively to prevent it from being carried into any water course or into Zone II-G by surface runoff. All disposal of septic waste, municipal sludge or human excreta shall be done only under permit issued by the Village of Alden and Department of Environmental Conservation or Department of Health.
- J. No industrial sludge or toxic chemicals shall be stored except under permit by the Village of Alden and where applicable by the U.S. Environmental Protection Agency and/or the Department of Environmental Conservation. Disposal of industrial sludge and toxic chemicals is prohibited.
- K. Disposal of radioactive material is prohibited.
- L. Open storage of artificial fertilizers for commercial use is prohibited. Agricultural use of fertilizers shall be in conformance with the best management practices as developed by the state soil and water conservation committee and implemented by the preparation and use of farm plans as required by the soil and water conservation district law.

- M. All pesticide and herbicide storage, use and application shall be under permit as provided in Environmental Conservation Law, Article 33. Use of streams for make-up water or washing of equipment is prohibited.
- N. Oil spills shall be reported to the Village of Alden and cleaned up pursuant to the navigation law. Spills of any other materials shall be reported as required by environmental conservation law. Cleanup of spills is the responsibility of the carrier.
- O. Underground storage of petroleum products or any other contaminant material is prohibited.
- P. Storage of chloride salts is prohibited within a five hundred (500) linear foot distance to a water course or Zone II-G except in weather proof buildings or water tight vessels. Deicing salt use is restricted to the minimum amount needed for public safety in accordance with best management practices.
- Q. No interment of a human body shall be made within three hundred (300) linear feet distance of a water course or Zone II-G.
- R. Farm tillage practices shall be in conformance with the best management practices as developed by the state soil and water conservation committee and implemented by the conservation district law. All land disturbing activity including general construction, highway construction, access road construction and maintenance is prohibited except where remedial measures have been put in place to minimize erosion and sediment production.
- S. Where ground water deterioration is likely to be caused by land development or use, the Village of Alden and the Department of Health shall insure that appropriate zoning and other controls are implemented to protect the ground water.
- T. All lands or tributary streams draining to public water supply and aquifers, shall be so identified on land use maps and in zoning regulations.

**§ 204-8. Prohibited acts.**

No person, including state agencies or political subdivisions having jurisdiction, shall perform any act or grant any permit or approval which may result in the contravention of the standards for raw water quality as contained in the Officials Compilation of Codes, Rules and Regulations of the State of New York.

**§ 204-9. Inspections.**

- A. The Village of Alden Superintendent of Public Works or any person or persons charged with the maintenance or supervision of the public water supply system shall, by its officers or duly appointed representative, make regular and thorough inspections of the water courses and watershed to ascertain whether these rules and regulations are being complied with.
- B. It shall be the duty of the aforesaid Superintendent 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 such violations. If such persons served do not immediately comply with the rules and regulations it shall be the further duty of the aforesaid Superintendent to promptly notify the State Commissioner of Health of such violations.
- C. The aforesaid Superintendent shall report to the State Commissioner of Health in writing, annually, prior to the 30<sup>th</sup> 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.

**§ 204-10. Penalties for offenses.**

Penalties for violations of this chapter shall be those specified by § 1103 of the Public Health Law.