

Topic:	Watershed Protection; Drinking Water Protection & Conservation; Wetlands & Watercourse Protection
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	City of Hudson
Year (adopted, written, etc.):	1972
Community Type - applicable to:	Urban; Suburban
Title:	City of Hudson Watershed Rules Ordinance
Document Last Updated in Database:	May 5, 2017

Abstract

Law requiring minimum distances between potentially polluting activities and the public water supply sources. The law also restricts activities the City has deemed harmful to the health, safety and welfare of its citizens.

Resource

City of Hudson NY Watershed Rules
Code of the City of Hudson NY
Chapter A334: Watershed Rules
General Code
Chapter A334: WATERSHED RULES

[HISTORY: Requested by the Common Council of the City of Hudson by Res. No. 4 of 12-21-1971. Adopted by the Commissioner of Health of the State of New York 4-18-1972 as Section 109.1 of Part 109, Subchapter A, Chapter III, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Amendments noted where applicable.]

§ A334-1. State rules for City of Hudson watershed revised.

Pursuant to the authority vested in the Commissioner of Health by Section 1100 of the Public Health Law, I hereby rescind Section 109.1 (City of Hudson) of Part 109, Subchapter A, Chapter III (Public Water Supplies), Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, this 18th day of April 1972, to be effective on filing with the Secretary of State, and add new Section 109.1 to read as follows:

Section 109.1 City of Hudson.

- (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 Taghkanic Creek, the Churchtown Reservoir, the Lone Star Quarry Reservoir and their tributaries in the Towns of Taghkanic, Greenport, Claverack, Hillsdale and Copake which now serve or which may be developed in the future to serve as sources of the public water supply of the City of Hudson, Columbia County, New York.
- (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 of 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 a structure or object to the high watermark of a reservoir or to the edge, margin or precipitous bank forming the ordinary high watermark of a watercourse.
 - (5) Pesticide shall mean any substance used to destroy pests such as rodents and insects.
 - (6) Radioactive material shall mean any material in any form that emits radiation spontaneously.
 - (7) Refuse shall mean all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.
 - (8) 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 only animal wastes resulting from the operation of such farm are deposited.
 - (9) Reservoir shall mean any natural or artificial lake or pond which is tributary to or serves as a source of the City of Hudson public water supply.

- (10) Sewage shall mean the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.
 - (11) Sewage disposal system shall mean a system for disposing of sewage, industrial or other wastes, and including sewers and treatment works.
 - (12) Toxic chemical shall mean any compound or substance which is or may be poisonous to humans.
 - (13) 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.
 - (14) Watercourse shall mean every spring, stream, marsh or channel of any kind, the waters of which flow or may flow into the City of Hudson public water supply.
 - (15) Watershed shall mean the entire drainage area contributing water to the City of Hudson public water supply.
 - (16) Water supply shall mean the public water supply of the City of Hudson, Columbia County, New York.
- (c) Human excreta and sewage.
- (1) No human excreta shall be deposited or allowed to escape into any reservoir or watercourse on the watershed.
 - (2) No human excreta shall be deposited or spread upon the surface of the ground at any point on the watershed.
 - (3) No human excreta shall be buried in the soil on the watershed unless deposited in trenches or pits at a distance of not less than 250 feet from any reservoir or watercourse 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.
 - (4) No privy or receptacle of any kind for the deposit or storage of human excreta shall be constructed, placed, maintained or allowed to remain within 50 feet of

any reservoir or watercourse except

- (i) watertight receptacles,
 - (ii) 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 and
 - (iii) a properly designed, constructed and operated treatment works that has been approved by the appropriate State agency having jurisdiction over such facility.
- (5) No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within 50 feet of any reservoir or watercourse.
- (6) Every watertight receptacle referred to in paragraph (4) above and paragraph (9) below 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) above 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.
- (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 appropriate State agency having jurisdiction over such facility. Standards for waste treatment works as published from time to time by the appropriate State agency having jurisdiction over such facility and paragraph (5) above 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 ground on the watershed (excepting into watertight receptacles or watertight pipes connected to a sewage disposal system approved by the appropriate State agency having jurisdiction over such facility) 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 appropriate State agency having jurisdiction over such facility.

- (d) Refuse disposal area. No refuse disposal area shall be located within 250 feet of any reservoir or watercourse.
- (e) Cemeteries. No interment of a human body shall be made within 250 feet of any reservoir or watercourse.
- (f) Radioactive material. No radioactive material in excess of the quantity listed for said material in Table 4, Appendix 1, Part 16, Chapter 1 (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.
- (g) Junkyards. No junkyard shall be located within 100 feet of any reservoir or watercourse.
- (h) Bathing and swimming. Bathing, swimming and wading are prohibited in any reservoir or watercourse owned by the City of Hudson.
- (i) 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 Hudson.
- (j) Boating. No boating shall be allowed in or upon the waters of any reservoir or watercourse owned by the City of Hudson except by duly authorized employees of the City of Hudson in the performance of their duties of supervision and maintenance of the water supply.
- (k) Fishing and trespassing. No fishing or trespassing shall be allowed in or upon any reservoir or watercourse owned by the City of Hudson within 1,000 feet of the water supply intakes except by duly authorized employees of the City of Hudson in the performance of their duties of supervision and maintenance of the water supply.
- (l) Herbicides, pesticides and toxic chemical. 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 appropriate State agency having jurisdiction.
- (m) Manure. No manure pile shall be maintained or allowed to remain within 100 feet of

any reservoir or within 50 feet of any watercourse.

- (n) General clause. 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 Part 170, Subchapter C (Water Supply Sources), Chapter III (Public Water Supplies), Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
- (o) Inspections. The Commissioner of Public Works or any person or persons as may be charged with the maintenance or supervision of the water supply 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 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 Commissioner of Public Works to promptly notify the State Commissioner of Health of such violations. The aforesaid Commissioner 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 notices served, the number of violations abated and the general conditions of the watershed at the time of the last inspection.
- (p) Penalty. Penalties for violations shall be in accordance with the provisions of Section 1103 of the Public Health Law.

§ A334-2. Prior rules and regulations rescinded.

The rules and regulations for the protection from contamination of the public water supply of the City of Hudson promulgated by the State Commissioner of Health on August 8, 1906 are hereby rescinded and the foregoing rules and regulations for the protection from contamination of the public water supply of the City of Hudson are hereby duly made, ordained and established on this 18th day of April 1972, pursuant to Section 1100 of the Public Health Law, effective upon filing with the Secretary of State.

s/HOLLIS S. INGRAHAM

Commissioner of Health
of the State of New York

April 18, 1972

Albany, New York