

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES  
DIVISION OF ENVIRONMENTAL QUALITY

FISHERS ISLAND WATERSHED PROTECTION STANDARDS

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SUFFOLK COUNTY  
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## 1.0 General

Fishers Island in the Town of Southold relies on an interrelated fragile system of ground and surface water sources for public water supply. Article 4, Section 760-452 of the Suffolk County Sanitary Code includes a provision to establish watershed protection measures for the Fishers Island Water Supply in order to minimize impacts of pollution on surface water quality and groundwater recharge.

## 2.0 Applicability

The watershed protection measures herein set forth, shall apply to all land areas of Fishers Island. Two protection zones have been established. The **primary protection zone** consists of contributing watershed areas for Barlow, Middle Farms and Treasure Ponds, the existing well fields, the infiltration gallery to Barlow Pond and locations for potential future sources for public water supply. The **secondary protection zone** encompasses the remainder of Fishers Island. The boundaries of the protection zones are set forth on a map adopted by the department as part of the standards, and filed in the Office of the Commissioner in Hauppauge, New York. The protection zone boundaries are denoted on the attached map.

## 3.0 Coordination

The watershed protection measures included in these standards have been coordinated with the Fishers Island Water Works and the Town of Southold and are consistent with land development regulations and standards pursuant to the Town Zoning Code, Chapter 100, Article XVI. Any future changes to the standards shall be coordinated with the Fishers Island Water Works and the Town of Southold.

## 4.0 Secondary Protection Zone Requirements

- 4.1 There shall be no manufacture, use, storage or discharge of any products, materials, or by-products, in a manner which may adversely affect the quality of the water supply sources.
- 4.2 All accidental spills, as defined by New York State Department of Environmental Conservation (NYSDEC) laws, must be reported to the Suffolk County Department of Health Services, Fishers Island Water

Works and the NYSDEC. Any person who is the owner or in actual or constructive possession or control of a hazardous material, or agent or employee thereof, or any person in a contractual relationship, therewith, who is responsible for, or has knowledge of any spill to the ground surface or any water body shall make notification within two (2) hours of the spill.

- 4.3 The discharge or disposal of any hazardous material or radioactive material except as may be authorized pursuant to a permit issued by the New York State Department of Environmental Conservation or the Department is prohibited.
- 4.4 The discharge, land application, burial or disposal of any septage, sludge, animal waste, animal remains or human excreta within 100 feet linear distance of any fresh water body is prohibited, except as permitted by this article.
- 4.5 The open storage of agricultural chemicals, pesticides and chloride salts is prohibited.
- 4.6 Owners of irrigation wells are required to report to the Fishers Island Water Works the actual or estimated amount of water withdrawn from the well, per year. Any new irrigation wells must be tested for water quality and reported to the Fishers Island Water Works prior to placing the well on line.
- 4.7 Any newly constructed private water system will comply with "Suffolk County Department of Health Services Private Water Systems Standards" with the additional provisions that: for any new private well, the applicant shall control or own the area within a 100 foot radius from the well; and where the public water supply is available within 500 feet and is accessible, it shall be the source of potable supply to any dwelling or business.
- 4.8 Storage of toxic or hazardous materials shall be done in compliance with the requirements of Article 12 of the Suffolk County Sanitary Code.

## 5.0 Primary Protection Zone Requirements

All requirements for the secondary protection zone are applicable to the primary protection zone. In addition, the following requirements shall apply:

- 5.1 Persons making an application for a permit pursuant to the New York State Pollutant Discharge Elimination System (SPDES) requirements shall simultaneously submit a copy of the application to the Suffolk County Department of Health Services (Office of Water Resources) and to the Fishers Island Water Works.
- 5.2 Nonconforming buildings, structures, or use of land may be continued as long as the nonconformance does not impact the watershed resource. If the nonconforming use creates a situation which endangers the watershed and/or water supply source, the owner of the property will be required to submit a plan to the Suffolk County Department of Health Services to protect the watershed from the contamination. The plan shall be provided within 60 days of notice from the Department that a condition exists which endangers the watershed. A copy of the plan shall be sent to the Fishers Island Water Works and the Town of Southold. Should implementation of the plan be determined by the Department not to prevent contamination of the watershed and/or water supply, the owner shall immediately cease the offending activity and initiate remedial actions to remove the contamination.
- 5.3 Future fuel oil storage must be above ground. In addition, the construction, installation, maintenance or use of any above-ground storage facility that discharges any petroleum product, hazardous material or toxic substance into the groundwater or into any water body except as allowed by SPDES permit is prohibited.
- 5.4 The establishment of any raw waste landfill, ash landfill, construction/demolition landfill, junk yard, salvage yard or dump is prohibited.
- 5.5 Underground injection of deleterious materials is prohibited, with exception of underground activities specifically and directly related to development or maintenance of water supply wells and on-site sanitary systems.

- 5.6 The discharge, land application or disposal of any septage, sludge, animal wastes, animal remains or human excreta is prohibited, except as permitted by this article.
- 5.7 The owner of any underground heating oil storage tank existing on the effective date of this part shall notify the Fishers Island Water Works and agree to remove said tank within ten (10) years of the effective date of this law. Fishers Island Water Works shall send this information to the Department and all other involved or interested agencies.
- 5.8 Any underground storage facility that is out of service for more than one year shall be removed. Any liquid residue shall be removed from the facility and all connecting lines shall be securely capped or plugged. Solid residue and lines shall be removed. The installation of any new underground storage facility is prohibited.
- 5.9 The drilling, construction, installation, discontinuance and abandonment of all individual or private water supply wells shall comply with the requirements and standards of the Department.
- 5.10 Uses that pose a substantial risk to groundwater quality because of associated storage and handling of hazardous materials, as defined by 6 NYCRR Part 595 and Part 612, are prohibited. These uses include, but are not limited to, motor vehicle repair and body shops; dry cleaning and dyeing establishments; furniture stripping and refinishing operations; printing and photographic processing plants, salvage yards; and the storage for sale of gasoline, diesel fuel, heating oil, lubricants, anti-freeze, solvents or agricultural or industrial chemicals.
- 5.11 The commercial excavation or extrication of soils, sands and gravels, except for those existing mining operations authorized by the Department of Environmental Conservation under Article 23, Title 27 of the Environmental Conservation Law, is prohibited.
- 5.12 The introduction into an on-site disposal system of any hazardous material is prohibited.

- 5.13 The establishment of any solid waste management or waste treatment facility is prohibited.
- 5.14 Approval is required before the installation of any new on-site disposal system or the replacement or expansion of any existing on-site disposal system. Conditions for approval shall include an approved engineering plan, a site specific soil analysis, verification of the site percolation rate, a grading plan to direct any potential overflow away from the watershed, and inspection of the site before backfilling. A copy of the approval will be sent to the Fishers Island Water Works.
- 5.15 All land uses and development activities, other than those directly connected with the pumping and treatment of public water supplies, are prohibited, except for single-family residences, passive nature preserves, existing roads and trails to which the relevant restrictions of these regulations shall apply.
- 5.16 The storage or handling of any septage, sludge, animal wastes, human excreta, hazardous material, or radioactive material, except as permitted herein for existing single-family residences, to which the relevant restrictions of these regulations shall apply and, except for fuels and chemicals necessary for pumping and treatment of water supply wells, is prohibited.
- 5.17 The use of pesticides and herbicides on property other than residential is prohibited. Non-conforming existing use of pesticides and herbicides on commercial property which does not impact the watershed resource is permitted subject to the conditions of Section 5.2. Application of pesticides and herbicides must conform to the manufacturer's label requirements.
- 5.18 There shall be no discharge of sewage, industrial wastes or other wastes, waste effluents or any sewage effluents not having filtration resulting from at least 200 feet of internal travel through unconsolidated earth from existing or potential water sources of the Fishers Island Works. A greater distance may be required if inspection shows that, due to particular geologic conditions, this distance is inadequate to protect the water from pollution.

- 5.19 No filling, excavation, or dredging, is allowed without prior approval. An application for such an approval must be accompanied by a site plan.

The approval shall not be granted unless the applicant can demonstrate that the proposed activity will not result in adverse water quantity impacts or the contravention of water quality standards.

- 5.20 For Barlow Pond, no swimming is allowed. Further, there shall be no clearing of natural vegetation within 100 feet linear distance of the surface of the water or motorized vessels permitted for Barlow, Middle Farms and Treasure Ponds.
- 5.21 The Fishers Island Water Works shall inventory all private well sources and update the listing annually.

#### 6.0 Other Regulations

The standards for land use and development activities set forth herein may not encompass all requirements. Land use and development activities may be subject to additional state and/or local codes.

#### 7.0 Reporting and Right of Entry

In addition to the Suffolk County Department of Health Services, the Fishers Island Water Works may make inspections of all properties within the primary protection zone, consistent with all constitutional limitations, to verify conformance with these standards. The Fishers Island Water Works shall cause copies of any provisions violated, to be served on the person violating same, together with notices of such violations. Information necessary to rectify such violations shall be submitted to the Fishers Island Water Works. **If** said person does not comply with the proposed remedy within a reasonable time, the Fishers Island Water Works shall promptly notify the Department of such violations. The Fishers Island Water Works shall keep annual reports, including such information on the number of inspections, violations found, notices served, violations abated, the general condition of the resource and any other information relevant to the enforcement and administration of these standards.

## 8.0 Variances, Waivers, and Protection Zone Boundary Adjustments

### 8.1 Variances and Waivers

An applicant requesting a variance or waiver from these standards shall make a formal written request. The request will be reviewed in accordance with the provisions of the Suffolk County Sanitary Code, including Section 760-609. The applicant is required to provide a copy of such request to Fishers Island Water Works and the Town of Southold. Fishers Island Water Works shall post a copy of the variance/waiver request on the Post Office bulletin board at least two weeks prior to any hearing on the matter. In reviewing the merits of a variance or waiver request, the department will give due consideration to recommendations of the Fishers Island Water Works and/or the Town of Southold.

### 8.2 Protection Zone Boundary Adjustments

When the location of a protection zone boundary, as shown on the adopted map is disputed by any landowner or abutter, the landowner or abutter, at his/her expense, may engage a licensed professional to conduct an investigation to determine if a discrepancy exists in the mapped boundary. The owner or abutter may request, in writing, to the department, that the boundary be adjusted, based upon the technical investigation. A copy of the request and investigation report shall be provided by the applicant directly to the Fishers Island Water Works and the Town of Southold. The department will review the request in coordination with the Town of Southold and the Fishers Island Water Works and make a recommendation to the Commissioner. The Commissioner shall act to grant, grant with conditions, or deny the boundary adjustment request. The Protection Zone Boundary Map shall be, if necessary, amended to reflect any changes granted.

## APPROVAL BY THE COMMISSIONER OF HEALTH SERVICES

In accordance with Article 2 and Article 4 of the Suffolk County Sanitary Code, the foregoing are the standards of the Suffolk County Department of Health Services for Fishers Island Watershed Protection. The standards are effective July , 1997.



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Commissioner of Health Services  
Suffolk County



