



NASSAU COUNTY PUBLIC HEALTH ORDINANCE

ARTICLE X GROUNDWATER PROTECTION REGULATION OF SEWAGE AND INDUSTRIAL WASTEWATER

Effective: September 1, 1987

NASSAU COUNTY DEPARTMENT OF HEALTH

200 County Seat Drive
Mineola, New York 11501



NASSAU COUNTY PUBLIC HEALTH ORDINANCE

ARTICLE X

GROUNDWATER PROTECTION
REGULATION OF SEWAGE AND INDUSTRIAL WASTEWATER

Section 1. **Declaration of Policy.**

The United States Environmental Protection Agency has designated Nassau County groundwaters as sole-source aquifers. The New York State Department of Environmental Conservation has designated the best usage of all groundwaters in Nassau County as a source of portable water supply. Several areas within Nassau County have been identified which are relatively undeveloped and recharge high quality water to the underlying groundwater aquifers which are the prime sources of present and future drinking water for county residents. The areas are therefore now designated Special Groundwater Protection Areas.

It is declared to be the policy of the Nassau County Board of Health to control the amount and types of wastewater being discharged to these aquifers from Special Groundwater Protection Areas in order to preserve the quality of these aquifers and thereby allow for their continued availability as sources of high quality drinking water.

Section 2. **Statement of Purpose.**

It is the intent and purpose of this Article to preserve the quality of the aquifers receiving recharge from areas which have been designated as Special Groundwater Protection Areas. This will be done by requiring new residential subdivisions and new residential developments utilizing individual sewerage systems to provide a net area of at least 40,000 square feet per dwelling unit. For new non-residential developments, the average daily design rate of sewage discharged per square foot of net area can be no more than 0.00375 gallons.

The above requirements, except as provided in this Article, shall also apply to any building or structure resulting from the alteration of and/or addition to an existing building or structure where such alteration and/or addition is of a type which requires prior approval by the local municipality and/or issuance of a new or modification of an existing New York State Pollutant Discharge Elimination System (SPDES) permit or to any existing building or structure for which a change of usage in whole or part, as determined by the Commissioner and/or the local municipality, is proposed. The above requirements shall not apply where the alteration of and/or addition to an existing single family residence or dwelling unit will not result in the creation of one or more additional single family residences, one or more additional dwelling units or a change of usage in

whole or part. Finally, the discharge within these special areas of any industrial wastewater, whether or not it has received treatment, is prohibited.

Section 3. Definitions.

- a. Commissioner shall mean the Commissioner of Health of the Nassau County Department of Health.
- b. Condominium shall mean individual ownership of real property for residential use held in the condominium form of ownership under Article 9B (The Condominium Act) of the Real Property Law of the State of New York.
- c. Cooperative Apartment or Building shall mean a residential structure or structures whose tenants are simultaneously stockholders of the corporation that owns the structures and the real estate. In lieu of rent, each pays a proportionate periodic fixed rate to cover capital retirement and operating costs.
- d. Department shall mean the Nassau County Department of Health.
- e. Developer shall mean any person or group of persons, or any legally cognizable entity or entities or any combination of the foregoing, who is undertaking or participating in the establishment of a residential subdivision, residential development, or non-residential development:
 - (1) either individually, or
 - (2) pursuant to a common scheme, plan or venture.
- f. Dwelling shall mean any building or structure which is wholly used or intended to be used for living or sleeping by human occupants.
- g. Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- h. Individual Sewerage System shall mean septic tanks and sub-surface leaching facilities with a maximum design capacity of 30,000 gallons per day serving only a single parcel and disposing of sanitary sewage or other liquid waste into the soil of such parcel.
- i. Industrial Wastewater shall mean water treated or non-treated prior to discharge, containing wastes resulting from any process of industry, manufacture, trade, business or profession, or from the development or recovery of any natural resources.

- j. Multiple Dwelling shall mean any dwelling containing more than one (1) dwelling unit.
- k. Net Area shall mean that area of a tract of land intended for development remaining after deducting areas dedicated to rights-of-way, water supply well sites operated by a public agency and stormwater basins.
- l. Non-residential Development shall mean one or more parcels intended or being used, either wholly or partly, for non-residential purposes or any tract of land located wholly or partially within the County of Nassau which has been divided into two or more identifiable parcels for purposes which are either wholly or partly non-residential.
- m. Parcel shall mean a single building plot, site, or unit which is located wholly or partially within the County of Nassau.
- n. Public Sewer System shall mean the pipes and conduits used for conveying sewage to a location for treatment and disposal wherein all owners of abutting properties have equal rights and which is controlled by a governmental agency.
- o. Residential Development shall mean one parcel or two, three, or four contiguous parcels and intended for or being used for residential purposes or any tract of land located wholly or partially within the County of Nassau which has been divided into two, three, or four identifiable parcels, each of 5 acres or less, for residential purposes. Without limiting the generality of the foregoing, the term “residential” shall include temporary, seasonal, and permanent residential use.
- p. Residential Subdivision shall mean a subdivision as defined in Section 1115 of the Public Health Law of the State of New York and Section 17-1501 of the Environmental Conservation Law of the State of New York and as such statutes may be amended from time to time.
- q. Right-of-Way shall include all roads whose primary purpose is to allow the passage of motor vehicles and shall be assumed to be a minimum of 50 feet in width except as otherwise approved by the Department.
- r. Sewage shall mean water containing the usual water-carried wastes from toilets, water closets, urinals, bathtubs, shower baths, wash basins, laundry tubs, kitchen sinks, and similar plumbing fixtures and shall not include any other liquid or solid matter whatsoever.
- s. Sewage Collection and Treatment System shall mean the structures, devices and processes installed or used for the purposes of collecting, treating and disposing of sewage and sewage residues or sludge.

- t. Single Family Residence shall mean any building or structure consisting of a single dwelling unit.
- u. Special Groundwater Protection Areas shall mean geographic areas, as designated by the Nassau County Board of Health, under this Article where the recharge water is of high quality and contributes to an aquifer system which serves as a source of drinking water for public water supply or has such potential and whose land surface is substantially undeveloped at the time of designation.
- v. Stormwater Basin shall include those open areas set aside for the collection and/or recharge of stormwater runoff as well as the rights-of-way which provide direct access to them.
- w. Tract shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan. A tract of land which is intended for development as one parcel, or has been divided, shall constitute a residential subdivision, residential development or a non-residential development notwithstanding:
 - (1) the method or purpose of such division, or the allowable types of use applicable to such tract, whether commercial, residential, industrial, or other authorized use under local ordinances, and
 - (2) the method used to describe such tract, whether by metes and bounds, or by reference to a map of the property, or otherwise.

Section 4. Requirements for Approval of Plans.

- a. Plans for new residential subdivisions and new non-residential developments shall be consistent with the provisions of this Article and shall be subject to approval by the Department in terms of these provisions.
- b. Plans for all new residential developments shall be consistent with the provisions of this Article and shall be subject to approval, in terms of these provisions, by the various jurisdictions in Nassau County having such authority.
- c. The approval of plans by the Department and/or a local municipality having such authority for any building or structure where all or part of such building or structure is proposed for a change of usage, as determined by the Department and/or the local municipality, or where such building or structure would result from the alteration of and/or addition to an existing building or structure where such alteration and/or addition is of a type which requires prior approval by the local municipality and/or issuance of a new or modification of an existing SPDES permit shall be consistent with the provisions of this Article. Such buildings or

structures shall, except where otherwise excluded by this Article, be considered to be new and are to satisfy the requirements for individual sewerage systems contained in Sections 5, 6 or 7 of this Article according to the category into which such buildings or structures would fall.

- d. Plans shall provide for individual sewerage systems except where a public sewer system is available, as determined by the Department.

Section 5. Individual Sewerage System Requirements for New Single Family Residential Subdivisions and New Single Family Residential Developments located wholly or partially within a Special Groundwater Protection Area.

Individual sewerage systems may be approved as the method of sewage disposal for new single family residential subdivisions and new single family residential developments located wholly or partially within a Special Groundwater Protection Area provided the following conditions are met:

- a. the number of dwelling units may not exceed one (1) per 40,000 square feet of net area, and
- b. the subdivision or development, or any portion thereof, is not located within the service area of an existing public sewer system, and
- c. the subdivision or development is located in an area where subsoil and/or groundwater conditions are conducive to the proper functioning of individual sewerage systems, as determined by the approving authority.

Section 6. Individual Sewerage System Requirements for New Residential Subdivisions and New Residential Developments which are other than Single Family and located wholly or partially within a Special Groundwater Protection Area.

Individual sewerage systems may be approved as the method of sewage disposal for a new residential subdivision, other than single family, or a new residential development, other than single family, and multiple dwelling housing, condominiums and cooperatives located wholly or partially within a Special Groundwater Protection Area provided all the following conditions are met:

- a. the number of dwelling units may not exceed one (1) per 40,000 square feet of net area, and

- b. the subdivision or development, or any portion thereof, is not located within the service area of an existing public sewer system, and
- c. the subdivision or development is located in an area where subsoil and/or groundwater conditions are conducive to the proper functioning of individual sewerage systems as determined by the approving authority.

Section 7. Individual Sewerage System Requirements for New Non-Residential Developments located wholly or partially within a Special Groundwater Protection Area.

- a. Individual sewerage systems may be approved as the method of sewage disposal for a new non-residential development located wholly or partially within a Special Groundwater Protection Area, except for industrial wastewater discharges as provided for in paragraph b of this Section, provided the following conditions are met:
 - (1) the average daily design rate of sewage discharged per square foot of net area, as determined by the Commissioner, may be no more than 0.00375 gallons, and
 - (2) the development, or any portion thereof, is not located within the service area of an existing public sewer system, and
 - (3) the development is located in an area where subsoil and/or groundwater conditions are conducive to the proper functioning of individual sewerage systems, as determined by the approving authority.
- b. A public sewer system method of disposal is required for industrial wastewater and sewage from a new non-residential development which will discharge industrial wastewater, whether or not treated, when the development, or any portion thereof, is located wholly or partially within a Special Groundwater Protection Area.

Section 8. Individual Sewerage System Requirements when Changes of Usage, Alterations, and/or Additions to Existing Buildings or Structures located wholly or partially within a Special Groundwater Protection Area are Proposed.

Any building or structure which results from the alteration of and/or addition to an existing building or structure where such alteration and/or addition is of a type which requires prior approval by the local municipality and/or issuance of a new or modification of an existing SPDES permit, and any existing building or structure which has undergone a change of usage, in whole or part, as determined by the Commissioner and/or the local municipality, shall be deemed a new building or new structure and governed by the

requirements for individual sewerage systems contained in Sections 5, 6 or 7 of this Article according to the category into which such building or structure would fall.

The preceding shall not apply where the alteration of and/or addition to an existing single family residence or dwelling unit will result in neither the creation of additional single family residences, additional dwelling units nor a change of usage.

Section 9. Designation of Special Groundwater Protection Areas.

Special Groundwater Protection Areas are to be designated by resolution of the Nassau County Board of Health for the purpose of implementing this Article and are described in Attachment Numbers 1 and 2 to this Article which delineate the boundaries of the areas.

Section 10. Exceptions.

Requirements of this Article shall not apply to:

- a. residential subdivisions which, though not constructed, have been approved after 1979 and before January 8, 1985 by the Department or the New York State Department of Health, and have been filed in the Office of the Clerk of the County of Nassau;
- b. residential and non-residential developments which, though not constructed, have been approved by the Department before January 8, 1985;
- c. residential and non-residential developments which have been officially approved by a local municipality having jurisdiction prior to January 8, 1985 and which met the Department's requirements in effect at that time.

Section 11. Responsibilities of the Commissioner.

The Commissioner shall have the following responsibilities relative to the implementation of this Article:

- a. grant a waiver from a specific provision of this Article, in a particular case, subject to appropriate conditions, where such waiver is in harmony with the general purposes and intent of this Article as enunciated in Section 1 and 2 of this Article;
- b. provide to developers and other interested persons information reasonably needed relative to the Special Groundwater Protection Area boundaries.

A fee may be charged for such information to cover the direct cost of providing the service.

- c. develop procedures and forms as may be necessary to effectively implement the requirements of this Article.

Section 12. Effective Date.

This article shall become effective on March 1, 1988.

Historical Note: Adopted by the Nassau County Board of Health on
December 12, 1984; effective January 8, 1985,
Amended January 5, 1988; effective March 1, 1988.

ATTACHMENT NO. 1

Article X

SPECIAL GROUNDWATER PROTECTION AREAS
NORTH HILLS AREA
TOWN OF NORTH HEMPSTEAD
NASSAU COUNTY

- : Beginning at the point of intersection of the Queens/Nassau boundary and the northern boundary of the Northern State Parkway, follow,
- : Northern State Parkway east to the point where it intersects southern boundary line of the Village of North Hills.
- : East on southern Village boundary line to the eastern boundary of Shelter Rock Road.
- : North on Shelter Rock Road to northern boundary of the L.I. Expressway.
- : East on L.I. Expressway to south-eastern corner boundary of Christopher Morley Park.
- : North-west along the eastern and northern boundary of Christopher Morley Park to the point of meeting between the north-west corner of the park and Searingtown Road.
- : West directly across Searingtown Road to the northern boundary line of the Village of North Hills.
- : Generally west along the northern boundary of Village of North Hills to the point of contact with Shelter Rock Road.
- : South-west across Shelter Rock Road to the eastern side of Brinkerhoff Lane opposite Third Street.
- : South on the east side Brinkerhoff Lane to southern boundary of Fourth Street.
- : West on Fourth Street to the western boundary of Clapham Avenue.
- : North on Clapham Avenue to the southern boundary of Centre Drive.
- : West on Centre Drive to the eastern boundary of East Drive.
- : South on East Drive to the southern boundary of South Drive.

- : West on South Drive to the western boundary of West Drive.
- : North on West Drive to the intersection of Northern Boulevard (25A).
- : West along the southern boundary of Northern Boulevard (25A) to Community Drive.
- : South along the eastern boundary of Community Drive to the point directly opposite the point of meeting between Community Drive and the north-east corner boundary of the Fresh Meadow Country Club.
- : West across Community Drive to the north-east corner boundary of the Fresh Meadow Country Club.
- : Generally south west along the northern boundary of the Country Club to the point of meeting with the east side of Lakeville Road.
- : South along the east side of Lakeville Road to the southern boundary of the L.I. Expressway.
- : West along the southern boundary of L.I. Expressway to the Nassau/Queens boundary line.
- : South along the County line to the point or place of beginning at Northern State Parkway.

Historical Note: Adopted by the Nassau County Board of Health
 December 12, 1984, effective January 8, 1985;
 Amended August 11, 1987, effective September 1, 1987.

ATTACHMENT NO. 2

Article X

SPECIAL GROUNDWATER PROTECTION AREAS
NORTHEASTERN AREAS OF THE
TOWN OF OYSTER BAY
SOUTHEASTERN AREAS OF THE TOWN OF NORTH HEMPSTEAD
NASSAU COUNTY

- : Beginning at a point where the Northern State Parkway intersects with the north side of Jericho Turnpike proceed:
- : East along the northern boundary of Jericho Turnpike to Underhill Boulevard.
- : North along the western boundary of Underhill Boulevard to a point of intersection with the eastern boundary line of the Village of Muttontown.
- : Generally north along the Village boundary line to a point due west of Belvedere Drive.
- : East along the northern boundary of Belvedere Drive to a point of intersection with Split Rock Road.
- : East across Split Rock Road to the northern boundary of Sagamore Drive.
- : Generally northeast on Sagamore Drive to the point of intersection with Somerset Place.
- : North along the western boundary of Somerset Place to the point of intersection with the southern boundary of the Village of Oyster Bay Cove.
- : Generally east along the Village of Oyster Bay Cove boundary line to Berry Hill Road (South Oyster Bay Road).
- : South on eastern boundary of Berry Hill Road to Renee Road.
- : East on northern boundary of Renee Road to Cold Spring Road.
- : Northeast on northern boundary of Cold Spring Road to South Woods Road (Piquets Lane.)
- : South along the eastern boundary of South Woods Road (Piquets Lane) to Woodbury Road.

- : South on the eastern boundary of Woodbury Road to L.I. Expressway.
- : East along the northern boundary of the L.I. Expressway to the point on intersection with the Northern State Parkway.
- : East along the northern boundary of Northern State Parkway to the point of intersection with Plainview Road.
- : South along the eastern boundary of Plainview Road to the point of intersection with the L.I. Expressway.
- : East along the northern boundary of the L.I. Expressway to the Nassau/Suffolk County line.
- : North along the Nassau/Suffolk line to Northern Boulevard (25A).
- : West along the southern boundary of Northern Boulevard (25A) to Moores Hill Road.
- : West along southern boundary of Moores Hill Road to Oyster Bay Cove Road.
- : North along western boundary of Oyster Bay Cove Road to East Main Street.
- : West along southern boundary of East Main Street to the point of intersection with the western boundary line of the Village of Oyster Bay Cove.
- : South along the western boundary line of the Village of Oyster Bay Cove to the point of intersection with the north-east corner of the Pine Hollow Country Club.
- : Generally south along the western boundary of the Pine Hollow Country Club to Northern Boulevard (25A).
- : West along northern boundary of Northern Boulevard (25A) to Pine Hollow Road (Oyster Bay Road).
- : South on the eastern boundary of Pine Hollow Road to the point of intersection with the northern boundary line of the Village of Muttontown.
- : Generally northwest along the northern boundary line of the Village of Muttontown to the point of intersection with the eastern boundary line of the Village of Upper Brookville.
- : Generally north along the eastern boundary of the Village of Upper Brookville to the western boundary of Pine Hollow Road.
- : North along the western boundary of Pine Hollow Road to a point of intersection with the eastern boundary line of the Village of Upper Brookville (opposite High

Street).

- : Generally north along the eastern boundary of the Village of Upper Brookville to Lake Avenue.
- : North on the western boundary of Lake Avenue to West Shore Drive.
- : North on the western boundary of West Shore Drive to Cleft Road.
- : West on the southern boundary of Cleft Road to Feeks Lane.
- : West on the southern boundary of Feeks Lane to Locust Valley-Bayville Road.
- : North on the western boundary of Locust Valley-Bayville Road to Horse Hollow Rd.
- : West on the southern boundary of Horse Hollow Road to Lattingtown Road.
- : Generally northwest on the southern boundary of Lattingtown Road to Dosoris Lane.
- : South on the eastern boundary of Dosoris Lane to Old Tappen Road.
- : East on the northern boundary of Old Tappen Road to the western boundary line of the Village of Lattingtown.
- : Generally southeast along the southern boundary line of the Village of Lattingtown to the point of intersection with the northern boundary line of the Village of Matinecock.
- : West along the northern boundary line of the Village of Matinecock to a point of intersection with the southeast corner of the Nassau Country Club.
- : North along the eastern boundary line of the Nassau Country Club to Forest Avenue.
- : West along the northern boundary of Forest Avenue to a point of intersection with the northwest corner of the Nassau Country Club.
- : Generally south along the western boundary of the Nassau Country Club to Highland Boulevard (Pearsall Avenue).
- : South on the eastern boundary of Highland Boulevard (Pearsall Avenue) to Duck Pond Road.
- : East along the northern boundary of Duck Pond Road to Viola Drive.
- : South on the eastern boundary of Viola Drive to Frost Pond Road.

- : West on the southern boundary of Frost Pond Road to a point of intersection with the southern boundary line of the City of Glen Cove.
- : Generally southwest along the southern boundary line of the City of Glen Cove to the point of intersection with the Long Island Railroad.
- : South along the Long Island Railroad to the southwest corner of the Glen Head Country Club (Hill Lane):
- : East along the northern boundary of Hill Lane, Hill Drive, Cove Drive and Glen Cove Drive to a point of intersection with the north side of Villa Place:
- : East along the north side of Villa Place to the point of intersection with the western Boundary line of the Village of Old Brookville.
- : Generally south along the western boundary line of the Village of Old Brookville to a point of intersection with the Oyster Bay/North Hempstead Town line.
- : Southeast on the Town line to a point of intersection with the northwestern boundary line of the Village of Old Westbury.
- : Generally south along the western boundary line of the Village of Old Westbury to the south side of the Long Island Expressway (Old Westbury Road).
- : West on the South Service Road of the Long Island Expressway (Old Westbury Road) to the Northern State Parkway exit road to the Long Island Expressway.
- : South along the Northern State Parkway exit road to the point of intersection with the western boundary line of the Village of Old Westbury.
- : Generally south along the western boundary line of the Village of Old Westbury to a point of intersection with the northeast corner of the Wheatley Hills Golf Club.
- : West along the northern boundary of the Wheatley Hills Golf Club to the point of intersection with the western boundary line of the Club.
- : Generally southeasterly along the western boundary line of the Wheatley Hills Golf Club to the point of intersection with the southern boundary line of the Club.
- : East along the southern boundary line of the Wheatley Hill Golf Club to the point of intersection with the western boundary line of the Village of Old Westbury.
- : Generally south along the western boundary line of the Village of Old Westbury to the point or place of beginning at Jericho Turnpike and the Northern State Parkway.

Historical Note: Adopted by the Nassau County Board of Health
December 12, 1984, effective January 8, 1985;
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