

Environmental Conservation

ARTICLE 17 WATER POLLUTION CONTROL

TITLE 17 DISCHARGE OF SEWAGE INTO WATERS

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* § 17-1701. Definition of sewage; discharge of sewage and other matter into certain waters prohibited.

1. For the purposes of this title sewage shall be defined as any substance, solid or liquid that contains any of the waste products or excrementitious or other wastes or washings from the bodies of human beings or animals.

2. No person, corporation or municipality, shall place or cause to be placed, or discharged or cause to be discharged into any of the waters of this state, in quantities injurious to the public health, or in violation of standards, criteria, limitations, rules or regulations promulgated or applied pursuant hereto, any sewage, garbage, offal, or any decomposable or putrescible matter of any kind or the effluent from any sewage disposal plant, or any substance, chemical or otherwise, or any refuse or waste matter, either solid or liquid, from any sewer or drainage system or from any shop, factory, mill or industrial establishment; unless express permission to do so shall have been first given in writing by the commissioner as provided in this article, except as hereinafter provided.

3. This section shall not prevent the discharge of sewage from any public sewer system owned and maintained by a municipality until an order prohibiting same shall be made as hereinafter provided, or the discharge of refuse or waste matter from any shop, factory, mill or industrial establishment, if such sewer system was in operation and was discharging sewage, or such shop, factory, mill or industrial establishment was in operation and discharging refuse or waste matter, into any of the waters of this state on or prior to May 7, 1903, and such municipality or the proprietor of such shop, factory, mill or industrial establishment secured exemption from this section by filing a report with the commissioner in accordance with law, nor to any extension or modification of such shop, factory, mill or industrial establishment, or reconstruction thereof, provided the refuse or waste matter discharged therefrom is not materially changed or increased; but this exception shall not permit any increase in the discharge of such sewage, or in the discharge of refuse or waste matter from any shop, factory, mill or industrial establishment, nor shall it permit the discharge of sewage from a sewer system which shall be extended, modified or reconstructed subsequent to said date.

* NB Expired September 1, 1973

§ 17-1703. Contamination of salt wells.

It shall be unlawful for any person to wilfully place, introduce or cause to flow or enter into any spring, brook or body of water, which is used in the manufacture of salt, or into any salt well, or salt mine, or into any cavity or reservoir beneath the surface of the earth from which salt or brine is taken or used in the manufacture of salt, any impure or deleterious substance or thing whatsoever, which is liable to pollute the waters thereof, or the brine or salt taken or manufactured therefrom, provided that this act shall not interfere with any existing system of drainage or sewerage.

§ 17-1704. Discharge of sewage and other offensive matter from new or renovated wastewater disposal systems to the surface waters of the Owasco lake watershed extending from the city dam on the outlet to the existing Moravia village outfall sewer on

the inlet are prohibited.

1. No person or corporation shall cause or permit the fall, flow or discharge into the surface waters of the Owasco lake watershed extending from the city dam on the outlet to the existing Moravia village outfall sewer on the inlet, of any sewage matter, or other foul, noxious or deleterious, solid or liquid matter or effluent from any wastewater disposal system located therein except for those operating under a duly authorized permit from the state or county health departments and except for run-off from accepted agricultural practices.

2. Existing permitted surface water outlets shall be eliminated by January 1, 1991. In the event of change of ownership or major alteration or renovations to existing wastewater disposal systems, the existing wastewater outlets shall be eliminated and be replaced by an approved sub-surface disposal system.

3. The Cayuga county board of health shall examine any alleged offense of this section within its jurisdiction and cause the same to be abated by injunction or otherwise if found to exist.

* § 17-1705. Discharge of sewage into Wallkill Creek prohibited.

No person or corporation shall permit the discharge or escape of any sewage, or other matter deleterious to public health, or destructive to fish, or throw or cast any dead animal, carrion or offal, or other putrid or offensive matter into the waters of the Wallkill creek, in the counties of Ulster and Orange.

* NB Expired September 1, 1973

* § 17-1707. Discharge of sewage into the Susquehanna near Binghamton prohibited.

1. No person or corporation shall cause to fall, flow or discharge into the Susquehanna river or any of its tributaries, between the Rock Bottom dam in such river at the city of Binghamton, and a point one mile east of the bridge that crosses such river at Conklin, any sewage matter, or other foul, noxious or deleterious, solid or liquid matter, or any matter that may be declared such by the board of health of any municipality adjacent to such river within such limit.

The board of health of any such municipality shall examine into any alleged offense against this section and cause the same to be abated, if found to exist.

* NB Expired September 1, 1973

§ 17-1709. Discharge of sewage and other offensive matter into Lake George and Skaneateles lake prohibited.

1. No person or corporation shall cause or permit the fall, flow or discharge into Lake George or Skaneateles lake or any of their tributaries, of any sewage matter, or other foul, noxious or deleterious, solid or liquid matter or effluent from any sewage disposal plant, or any matter that may be declared such by the board of health of any municipality adjacent to such lakes where any such fall, flow or discharge shall occur.

2. The board of health of any such municipality shall examine into any alleged offense against this section within its jurisdiction and cause the same to be abated, by injunction or otherwise, if found to exist.

3. The discharge of sewage or treated sewage effluent into the

drainage basin of Lake George is hereby prohibited except as follows:

(a) Subsurface sewage disposal facilities with a design capacity of one thousand gallons per day or less are permitted to discharge within the basin provided said facilities are designed, constructed, operated and maintained in accordance with all applicable laws, regulations and permits issued pursuant thereto.

(b) Subsurface sewage disposal facilities with a design capacity of greater than one thousand gallons per day are permitted to discharge within the basin provided that such facilities:

(i) discharge treated sewage effluent to land or groundwater;

(ii) are designed to meet best technology available;

(iii) are in compliance with a valid state pollutant discharge elimination system (SPDES) permit;

(iv) are designed to meet existing needs only; and

(v) are designed, operated and maintained in accordance with applicable laws and regulations.

(c) The commissioner shall prepare a technical manual describing the best technologies available for sewage disposal facilities within the Lake George basin, which shall include, but not be limited to, specifications for the design, construction, maintenance and monitoring of such facilities and performance standards for nutrient removal. The commissioner shall complete the manual within eighteen months of the effective date of this subdivision and shall notice completion of the manual in the state register and the environmental notice bulletin.

§ 17-1710. Deposit of garbage or other refuse on or in waters of the Owasco lake watershed extending from the city dam on the outlet to the existing Moravia village outfall sewer on the inlet is prohibited.

No person or corporation shall deposit, dump, throw, abandon, discard, or place, or cause to be deposited, dumped, thrown, abandoned, discarded or placed upon or in the waters of the Owasco lake watershed extending from the city dam on the outlet to the existing Moravia village outfall sewer on the inlet, or upon the frozen surface thereof, any garbage, rubbish, refuse, trash, litter, debris, abandoned properties, waste material or any nauseous or offensive matter.

§ 17-1711. Deposit of garbage or other refuse on or in waters of Lake George and Skaneateles lake and their tributaries prohibited.

No person shall deposit, dump, throw, abandon, discard or place, or cause to be deposited, dumped, thrown, abandoned, discarded or placed upon or in the waters of Lake George or Skaneateles lake, or any of their tributaries, or upon the frozen surfaces thereof, any garbage, rubbish, refuse, trash, litter, debris, abandoned properties, waste material or any nauseous or offensive matter.

* § 17-1713. Discharge of sewage and other offensive matter into Brant Lake, Loon Lake, Friends Lake and Schroon Lake prohibited.

1. No person or corporation shall cause or permit the fall, flow or discharge into Brant lake, Loon lake or Friends lake in the county of Warren or Schroon lake located partly in the county of Essex and partly

in the county of Warren or any of their tributaries, of any sewage matter, or other foul, noxious or deleterious, solid or liquid matter, or effluent from any sewage disposal plant, or any matter that may be declared such by the board of health of any municipality adjacent to any such lake where any such fall, flow or discharge shall occur.

2. The board of health of any such municipality shall examine into any alleged offense against this section within its jurisdiction and cause the same to be abated, by injunction or otherwise, if found to exist.

3. The prohibition of the discharge of sewage effluent into Schroon lake as hereinbefore in this section provided shall not apply to the treated effluent from a sewage or waste treatment plant which has been, or may be constructed, maintained and operated in accordance with plans approved and a permit issued by the former Water Pollution Control Board. Such permit shall prohibit the discharge of sewage effluent into Schroon lake or any of its tributaries in any quantities which will adversely affect said waters or which will render said waters unsuitable for any purpose recognized under the classification of said waters by the former Water Pollution Control Board.

* NB Expired September 1, 1973

* § 17-1715. Discharge of sewage and other offensive matter into Oneida Lake prohibited.

1. No person or corporation shall cause or permit the fall, flow or discharge into Oneida lake or any of its tributaries of any sewage matter, or other foul, noxious or deleterious, solid or liquid matter, or effluent from any sewage disposal plant, or any matter that may be declared such by the board of health of any municipality adjacent to such lake where any such fall, flow or discharge shall occur.

2. It shall be the duty of the board of health of any municipality where any such fall, flow or discharge shall occur to cause the same to be abated; provided that any person aggrieved by any such fall, flow or discharge may also cause such abatement, by injunction or other appropriate action or proceeding.

3. The prohibition of the discharge of sewage effluent as hereinbefore in this section provided shall not apply to the treated effluent from a sewage or waste treatment plant which has been, or may be, constructed, maintained and operated in accordance with plans approved and a permit issued by the former Water Pollution Control Board. Such permit shall prohibit the discharge of sewage effluent into Oneida lake or any of its tributaries in any quantities which will adversely affect said waters or which will render said waters unsuitable for any purpose recognized under the classification of said waters by the former Water Pollution Control Board.

* NB Expired September 1, 1973

* § 17-1717. Order to discontinue pollution of waters.

1. Whenever the commissioner shall determine upon investigation that sewage from any city, village, town, building, steamboat or other vessel, or property, or any garbage, offal or any decomposable or putrescible matter of any kind is being discharged into any of the waters of the state, which shall include all streams and springs and all bodies of surface and ground water, whether natural or artificial, within or upon the boundaries of the state, and when, in the opinion of the commissioner, such discharge is polluting such waters in a manner

injurious to or so as to create a menace to health, or so as to create a public nuisance, he may order the municipality, corporation or person so discharging sewage, refuse or other matter, to show cause before him why such discharge should not be discontinued.

2. A notice shall be served on the municipality, corporation or person so discharging sewage, refuse or other matter, directing such municipality, corporation or person to show cause before the commissioner on a date specified in such notice why an order should not be made directing the discontinuance of such discharge. Such notice shall specify the time when and place where a public hearing will be held by the commissioner and notice of such hearing shall be published at least twice in a newspaper of the city, village, town or county where such discharge occurs, and shall be served personally or by mail at least fifteen days before said hearing and in the case of a municipality or a corporation such service shall be upon an officer thereof.

3. The commissioner shall take evidence in regard to said matter and he may issue an order to the municipality, corporation or person responsible for such discharge, directing that within a specified period of time thereafter such discharge be discontinued, and such proper method of treatment or disposal of such sewage, refuse or waste matter be installed as shall be approved by the department.

4. Such order shall not be valid until approved by the Governor and the Attorney General, and when so approved it shall be the duty of the Attorney General to enforce such order.

5. Such means or method for the treatment or disposal of sewage, refuse or other matter must be executed, completed and put in operation within the time fixed in the order.

6. The commissioner shall have authority to require from the officials and persons responsible for the execution of such orders satisfactory evidence at specified times of proper progress in the execution of such orders, and may stipulate and require that certain definite progress shall be made at certain definite times prior to the final date fixed in the order.

7. This section shall not apply to refuse or waste matter from any shop, factory, mill or industrial establishment not containing sewage.

* NB Expired September 1, 1973

* § 17-1719. Actions by municipalities to prevent discharge of sewage into waters.

1. Any incorporated city or village in the state of New York, which has made such provision for the disposal of its sewage as not to pollute or contaminate therewith any river, stream, lake or other body of water, may have and maintain an action in the supreme court to prevent the discharge of any sewage or substance deleterious to health, or which shall injure the potable qualities of the water in any river, stream, lake or other body of water, from which such incorporated city or village shall take or receive its water supply, provided, that such river, stream, lake or other body of water is wholly, or in part, within the boundaries of the county in which such plaintiff is located.

2. Whenever action shall be brought under the provisions of this section, it shall be the duty of the supreme court upon proof of the existence of facts justifying the bringing and maintenance of such action under the provisions of this section to render a judgment in which shall be incorporated a mandatory injunction requiring the person, body, board, corporation, municipality, village, county or town, being a

defendant to said action which directly or indirectly, or by its servants, agents or officers shall discharge or dispose of its sewage, or any other substance deleterious to health or which shall injure the potable qualities of the water in such ways as that the same shall enter into any river, stream, lake or other body of water, from which such plaintiff shall take or receive its water supply, within such reasonable time as may be prescribed by the court, to take such action as shall prevent such discharge or the disposal of such sewage or other substance into such waters, or the pollution thereof, with such further directions in the premises as may be proper and desirable to effect such purpose, provided that such river, stream, lake or other body of water is wholly, or in part, within the boundaries of the county in which such plaintiff is located.

3. No such action shall be brought as provided for in this section until the department has examined and determined whether the sewage does pollute or contaminate the river, stream, lake or other body of water into which said sewage is discharged.

4. The expense of such examination by the department shall be a charge upon and paid by the municipality in whose interests and on whose behalf such examination is made.

5. In case the department shall find upon examination that the discharge of said sewage does pollute or contaminate said waters or any of them in such manner as to be a menace or danger to the health of those using said waters the plans for the removal or disposal of the sewage ordered to be prepared by the court as provided in this section shall be submitted to the department for its approval.

* NB Expired September 1, 1973

* § 17-1721. Reports of municipal authorities to local boards of health.

1. The report of the public authorities having by law charge of the sewer system of every municipality in the state, from which sewer system sewage was being discharged into any of the waters of the state on May 7, 1903, transmitted by the board of health of the municipality within which any sewer outlet of the said sewer system is located to the commissioner and filed by him in his office, shall constitute the evidence of exemption from the prohibition of section 17-1701.

2. No sewer system shall be exempt from the prohibition of said section against the discharge of sewage into the waters of the state for which a satisfactory report shall not have been filed in the office of the commissioner in accordance with chapter 468 of the laws of 1903.

* NB Expired September 1, 1973

* § 17-1723. Reports of proprietors of industrial establishments.

1. The report of the proprietor of every shop, factory, mill and industrial establishment in the state, from which refuse or waste matter was being discharged into any of the waters of the state on May 7, 1903, filed in the office of the commissioner shall constitute the evidence of exemption of the shop, factory, mill or industrial establishment from the prohibition of section 17-1701.

2. No shop, factory, mill or industrial establishment shall be exempt from the prohibition of said section against the discharge of refuse or waste matter into the waters of the state, for which a report shall not have been made in accordance with chapter 468 of the laws of 1903.

* NB Expired September 1, 1973

* § 17-1725. Permission to discharge sewage.

1. Upon application duly made to the commissioner by the public authorities having by law the charge of the sewer system of any municipality, the commissioner shall have power to consider the case of a sewer system otherwise prohibited by section 17-1701 from discharging sewage into any of the waters of the state, and whenever in his opinion the general interests of the public health would not be endangered thereby he may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the state, and may stipulate in the permit, modification, regulations and conditions on which such discharge may be permitted.

2. Such application must be made in a form required by the commissioner. The plans for the construction of any sewer system or sewage disposal plant for the extension, reconstruction or modification of sewers, sewer systems or sewage disposal plants the permit for the discharge from which is requested from the commissioner as provided in this section shall be submitted to and approved by the department before such permit becomes effective.

3. Such permit before being operative shall be recorded in the county clerk's office of the county wherein the outlet of the said sewer system is located, and a copy of the permit shall be transmitted by the commissioner to the board of health of the municipality wherein the outlet of said sewer system is located.

* NB Expired September 1, 1973

* § 17-1727. Permission to discharge refuse or waste matter from industrial establishments.

1. Upon application duly made to the commissioner by the proprietor, lessee or tenant of any shop, factory, mill or industrial establishment from which the discharge of refuse or waste matter into any of the waters of the state is otherwise prohibited by section 17-1701, the commissioner shall have power to consider the case of the said shop, factory, mill or industrial establishment, and whenever the public health and purity of the waters shall warrant it, he shall issue a permit for the discharge of refuse or waste matter from such shop, factory, mill or industrial establishment into any of the waters of the state, and may stipulate in the permit such modification, regulations and conditions as the public health may require.

2. Such permit before being operative shall be recorded in the county clerk's office of the county where such shop, factory, mill or industrial establishment is located and a copy of such permit shall be transmitted by the commissioner to the board of health of the municipality wherein the outlet discharging refuse or waste matter from such shop, factory, mill or industrial establishment shall be located.

* NB Expired September 1, 1973

* § 17-1729. Permits for conduit or discharge pipes.

1. Before any conduit or discharge pipe, or other means of discharging or casting any refuse or waste matter from any shop, factory, mill or industrial establishment not constructed or in process of construction on May 7, 1903, shall be put in or constructed for the purposes of discharging any refuse or waste matter therefrom into any waters in this state, a statement of the purpose for which the same is to be used shall be submitted to the commissioner. If the same is not detrimental to the

public health he shall issue a permit therefore to the applicant.

2. Before such permit becomes effective the plan or plans for any such conduit or discharge pipe or other means of discharging or casting any refuse or waste matter shall be submitted to and approved by the department.

3. No such conduit, discharge pipe or other means of discharging or casting any refuse or waste matter from any such shop, factory, mill or establishment into any of the waters of this state shall be put in or constructed before such permit is granted.

* NB Expired September 1, 1973

* 17-1731. Revocation or modification of permits.

1. Every permit for the discharge of sewage from a sewer system or for the discharge of refuse or waste matter from a shop, factory, mill or industrial establishment, shall when necessary to conserve the public health, be revocable or subject to modification or change by the commissioner on due notice after an investigation and hearing and an opportunity for all interested therein to be heard thereon being served on the public authorities of the municipality owning and maintaining the sewer system, or on the proprietor, lessee or tenant of the shop, factory, mill or industrial establishment.

2. Plans for any such modification shall be submitted to and approved by the department.

3. The length of the time after receipt of the notice within which the discharge of sewage or of refuse or waste matter shall be discontinued may be stated in the permit, but in no case shall it exceed two years in the case of a sewer system, or one year in the case of a shop, factory, mill or industrial establishment, and if the length of time is not specified in the permit, it shall be one year in the case of a sewer system, and six months in the case of a shop, factory, mill or industrial establishment.

4. On the expiration of the period of time prescribed after the service of a notice of revocation, modification or change from the commissioner, the right to discharge sewage or refuse or waste matter into any of the waters of the state shall cease and terminate and the prohibition of section 17-1701 against such discharge shall be in full force as though no permit had been granted, but a new permit may thereafter again be granted as hereinbefore provided.

* NB Expired September 1, 1973

* § 17-1733. Record of permits; inspection of local boards of health.

1. Each local board of health shall preserve in its office and on a form prescribed by the commissioner, a permanent record of the following:

a. Each permit issued by the commissioner granting the right to discharge sewage or refuse or waste matter into any of the waters of the state within the municipality;

b. Each revocation of a permit; and

c. Each report received by the local board of health concerning each sewer system and each shop, factory, mill or industrial establishment which on May 7, 1903, was discharging sewage or refuse or waste matter into any of the waters of the state within the municipality.

2. Each local board of health shall make and maintain such inspection as will, at all times, enable it to determine whether section 17-1701 is

being complied with in respect to the discharge of sewage, refuse or waste matter or other materials prohibited by said section, into any of the waters of the state within that municipality.

3. For the purpose of such inspection every member of such local board of health, or its health officer, or any person duly authorized by it, shall have the right to make all necessary examinations of any premises, building, shop, factory, mill, industrial establishment, process or sewer system.

* NB Expired September 1, 1973

* § 17-1735. Violations; service of notice; actions.

1. The board of health of each municipality shall promptly ascertain every violation of, or noncompliance with, any of the provisions of section 17-1701 or of the permits for the discharge of sewage or refuse or waste material into any of the waters of the state herein provided, which may occur within that municipality, or the commissioner may ascertain such violations or noncompliance.

2. The local board of health shall on the discovery of every violation of or noncompliance with any of the provisions of said section or of any permit duly issued, report the same in writing to the commissioner.

3. Upon receipt of such report from a local board of health the commissioner shall investigate the matter immediately and shall hold a hearing and give the person or persons charged with such violation or noncompliance an opportunity to present evidence on his or their behalf, and shall ascertain whether a violation or noncompliance exists.

* NB Expired September 1, 1973

* § 17-1737. Legal construction and limitations; riparian owners.

Nothing in titles 15 and 17 of this article shall be construed to diminish or otherwise to modify the common law rights of riparian owners in the quality of waters of streams covered by such rights, nor in the case of actions brought against the pollution of waters to limit their remedy to indemnities.

* NB Expired September 1, 1973

§ 17-1739. Repeal of provisions.

The provisions of sections 17-1701, 17-1705, 17-1707, 17-1713 to 17-1737, inclusive, and 71-1925, shall remain in force and effect only until September 1, 1973.

§ 17-1741. Sewerage; construction; villages.

1. Whenever any local board of health in any incorporated village shall deem the sewers of such village insufficient to properly and safely sewer such village, and protect the public health, it shall certify such fact in writing, stating and recommending what additions or alterations should in the judgment of such board of health be made, with its reasons therefor, to the commissioner for his approval.

2. If such recommendations shall be approved by the commissioner, and the plans therefor be approved by the department, it shall be the duty of the board of trustees or other board or officials of such village having jurisdiction of the construction of sewers therein, whether sufficient funds shall be on hand for such purpose or not, to forthwith

make such additions to or alterations in the sewers of such village and execute such recommendations.

3. The expenses of such additions to, or alterations to the sewerage of such village shall be paid for wholly by said village in the same manner as other village expenses are paid or by an assessment of the whole amount against the property benefited, or partly by the village and partly by an assessment against the property benefited, as the board of trustees of such village shall by resolution determine.

4. If the board of trustees shall determine that such expenses shall be paid partly by the village and partly by an assessment against the property benefited, as authorized by this section, it shall in the resolution making such determination fix the proportion of such expense to be borne by each, and the proportion thereof to be raised by an assessment against the property benefited shall be assessed and collected in the same manner provided by the Village Law for the assessment and collection of sewer assessments.

5. Said village is hereby authorized to raise such sum as may be necessary for the payment of the expenses incurred, which are a village charge, if any, as herein provided, in addition to the amount such village is now authorized to raise by law for corporation purposes, and such board shall have the right to acquire such lands, right of way, or other easements, by gift, or purchase, or in case the same cannot be acquired by purchase may acquire the same by condemnation in the manner provided by law.

§ 17-1743. Reporting of spills of liquids stored in bulk.

Any person who is the owner of or in actual or constructive possession or control of more than one thousand one hundred gallons, in bulk, of any liquid, including petroleum, which, if released, discharged or spilled would or would be likely to pollute the lands or waters of the state including the groundwaters thereof shall, as soon as he has knowledge of the release, discharge or spill of any part of such liquid in his possession or control onto the lands or into the waters of the state including the groundwaters thereof immediately notify the department. Within forty-eight hours of receipt of notification made pursuant to this section of a spill of a hazardous substance or acutely hazardous substance listed pursuant to article thirty-seven of this chapter of a quantity that may threaten the health or safety of the public or environment, the department shall notify the chief executive officer in the village, town, and city in which the spill occurred, and any adjoining city or town or village that the department deems appropriate. In addition, the department shall provide notification of such spill to the general public through local news outlets, newspaper or any other media available to the department. Notification received pursuant to this section or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

§ 17-1745. Sewage from vessels.

1. Definitions. (a) "Dump station" means any facility designed to receive sewage from any portable toilet carried on any vessel.

(b) "Marine holding tank" means any container aboard any vessel that is designed and used for the purpose of collecting and storing treated

or untreated sewage from marine toilets.

(c) "Marine toilet" means any toilet on or within any vessel, except those that have been permanently sealed and made inoperative.

(d) "Commercial marina" means any installation that is owned by any party other than the state or any of its political subdivisions and which provides services to the public for more than twenty vessels for a fee.

(e) "Private marina" means any installation that is owned by any party other than the state or any of its political subdivisions and which serves more than twenty vessels or transient slips for a fee.

(f) "Public marina" means any installation that is owned by the state or any of its political subdivisions and which serves more than twenty vessels with or without charge, but shall not include quick launches or launching ramps intended for trailered vessels.

(g) "Pumpout facility" means any device, portable or permanent, capable of removing sewage from a marine holding tank.

(h) "Sewage" means all human body wastes and gray water.

(i) "Vessel" shall have the same meaning as in subdivision six of section two of the navigation law.

(j) "Gray water" shall have the same meaning as in subdivision twenty-nine of section two of the navigation law.

2. Notice of pumpout facilities and dump stations required. Every commercial marina, public marina and private marina shall post a sign of not less than eighteen inches by twenty-four inches in a conspicuous location clearly stating the location of a pumpout facility and dump station located at such marina or if no pumpout facility or dump station is located at such marina stating the location of and distance to the nearest pumpout facility and dump station.

3. The commissioner shall promulgate rules and regulations to establish and maintain the Hudson River as a "no discharge zone" pursuant to the federal clean water act and associated programs administered by the federal environmental protection agency.

4. Pumpout facilities and dump stations required on the Hudson River. The commissioner shall require that marinas located on the navigable waters of the Hudson River shall provide pumpout facilities and dump stations for the transfer and disposal of sewage and gray water from marine holding tanks and portable toilets in accordance with the requirements contained in subdivision three of this section.

(a) The commissioner shall authorize a grant from funds made available in accordance with the clean vessel act of 1992 for the purchase and installation of pumpout facilities and dump stations at public marinas in accordance with the New York state clean vessel act plan.

(b) The commissioner shall authorize a grant from funds made available in accordance with the clean vessel act of 1992 for the purchase and installation of a pumpout facility and dump station at a commercial marina, provided the owner or operator of such commercial marina agrees to maintain the pumpout facility and dump station at no charge to the state and provides pumpout and dump station services to the public at a charge to be established by the commissioner in accordance with federal guidelines as required by the clean water act.

(c) Nothing in this subdivision shall restrict the use of any public funding source for the purchase and installation of a pumpout facility and dump station at any public or commercial marina.

5. Public information and registry. (a) The commissioner, in consultation with the department of motor vehicles, the department of state, and the office of parks, recreation and historic preservation, shall cause to be prepared periodic and timely informational material

for distribution regarding the environmental purposes of utilizing pumpout facilities and dump stations including the location thereof on the navigable waters of the Hudson River, the importance of proper maintenance of vessel sanitation equipment, and information regarding fines and penalties for the illegal discharge of sewage and litter from vessels. The department of motor vehicles and the office of parks, recreation and historic preservation shall assist in the distribution of such informational material in the course of ordinary business.

(b) The commissioner, in consultation with the department of motor vehicles, the department of state, and the office of parks, recreation and historic preservation, shall create a registry and maintain records, updated annually, of all public, private and commercial marinas that identify which marinas have pumpout facilities and dump stations. The commissioner shall, upon written request, provide such information to any interested party.

6. Penalties. Failure to comply with the provisions of this section shall result in fines of two hundred fifty dollars per day for each violation.