

The Legislature of Rockland County



HARRIET D. CORNELL
Legislator – District 10
Chair, Environmental Committee

AGENDA
ENVIRONMENTAL COMMITTEE
WEDNESDAY, APRIL 30, 2014
6:00 PM

ROLL CALL

ADOPTION OF THE MINUTES OF THE 3/26/14 MEETING

1. REF. #4124 - SETTING A DATE FOR A PUBLIC HEARING: A LOCAL LAW ENACTING THE ROCKLAND COUNTY WATER CONSERVATION ACT.
(HON. ALDEN WOLFE, LEGISLATURE)

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

ENV 4.30.14.AG/PS

DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No. _____, 2014

**RESOLUTION NO. _____ OF 2014
SETTING A DATE FOR A PUBLIC HEARING:
A LOCAL LAW ENACTING
THE ROCKLAND COUNTY WATER CONSERVATION ACT.**

WHEREAS, the _____ Committee has met, considered and by a _____ vote approved this resolution, now therefore be it

RESOLVED, that this Legislature hereby sets the _____ day of _____, 2014, at _____ P.M. for a public hearing to provide for A local law enacting the Rockland County Water Conservation Act.

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4/4/14

DRAFT

LOCAL LAW NO. OF 2014
COUNTY OF ROCKLAND
STATE OF NEW YORK

(Introduced by: Hon. Alden H. Wolfe)

A local law establishing and adopting countywide water conservation measures within Rockland County.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. This law shall be known as “the Rockland County Water Conservation Act.”

Section 2. Legislative Intent.

Faced with the potential for significant rate hikes from a proposed costly supply-side water facility, Rockland County urgently needs to develop a water conservation plan with low-cost solutions for Rockland ratepayers. Water conservation activities reduce the demand for water, improve efficiency in use and reduce losses and waste of water. Affordable low-cost solutions for water supply have become the norm nationwide, most notably in regions to the west, the southwest and the south, where water shortages are far more serious than in Rockland, with its high annual rainfall. Furthermore, there is no consensus on the need for a supply-side facility in Rockland. Many highly regarded hydrologists and analysts believe that conservation, with some modest additional measures, would be all that is required to meet Rockland’s seasonal peak demand. Rockland ratepayers, who stand to see their rates double with a supply-side alternative, will benefit from sound conservation measures that have proven to be effective in communities with challenges that are greater than those of Rockland County.

Rockland County will realize the following benefits by conserving water:

1. increased ability to handle emergencies such as drought, mechanical failures, or water contamination;
2. deferment of expenditures for expansion of water supplies by allowing existing water supplies to serve increasing need; and
3. alleviation of competing demands for water resources.

Additionally, Rockland County residents will benefit from conservation measures because water bills will either decrease or, at least, not increase or increase only minimally under conservation programs. Water conservation is often the most cost-effective alternative when conservation can postpone developing new supply sources.

Section 3. Definitions

As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY** – The County of Rockland, New York
- B. COMMISSIONER** - the Commissioner of Health of the Rockland County Health District.
- C. PERSON** - any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- D. PUBLIC WATER SYSTEM** - any water supply system meeting the definition contained in Part 5, Subpart 5-1 of the New York State Sanitary Code.
- E. POTABLE WATER** - water meeting the minimum standards for drinking water as prescribed for public water systems by Part 5 of the New York State Sanitary Code and the Federal Safe Drinking Water Act.
- F. IRRIGATE THE LANDSCAPE, IRRIGATION OF THE LANDSCAPE, and IRRIGATION** - the act of applying water to the outdoor landscape by any means involving sprinklers or automatic watering devices, including but not limited to the use of sprinklers attached to hoses, and installed underground sprinkler systems.
- G. IRRIGATION SYSTEM** - a device or combination of devices having a hose, pipe, or other conduit installed in the landscape which transmits water, through which device or combination of devices potable water or a mixture of potable water and chemicals is drawn and applied to residential or commercial lawns, landscapes or green space.
- H. RAIN SENSOR** - an automatic device that will override the irrigation cycle of an irrigation system, thus turning it off, when a predetermined amount of rain has fallen.
- I. LANDSCAPE** - the natural or modified ground outside the border of the foundation wall of the constructed area of the property.
- J. RECLAIMED OR REUSED WATER** - the treated plant effluent from a wastewater treatment facility that is further disinfected and piped or distributed in bulk form.
- K. HAND WATERING** - use of a bucket, watering can or hand-held hose with a self-closing spray nozzle.

- L. IMPERVIOUS SURFACE** - any artificially created surface which cannot be penetrated by water or which causes water to run off the surface, including streets, driveways, sidewalks and rooftops.
- M. REPEATED OR FLAGRANT WASTING OF WATER** - those situations where persons who have received notice that they are wasting water continue to do so in the same or similar manner. It does not mean those persons who waste water on solitary or isolated occasions.
- N. WATER WASTE** - any of the following:
- (1) Using potable water so that it falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches and other conveyances; or
 - (2) Using potable water to the extent that it is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances.
 - (3) Knowingly allowing potable water to escape through leaks, breaks, or malfunctions within the water user's plumbing or distribution system for any period of time beyond which such a leak or break should reasonably have been repaired or corrected.
 - (4) Willfully or negligently wasting water in any other manner.

Section 4. The Rockland County Legislature hereby adopts the following countywide water conservation measures:

A. Alternate Day Outdoor Irrigation.

1. Irrigation of landscape is prohibited except in accordance with this section.

No person shall use potable water to irrigate the landscape on any property except on alternate days assigned to that property for irrigating the landscape. The days of the week on which irrigation of the landscape can take place at a particular property shall be determined by that property's street address. The Commissioner of Health or designee shall develop a Standard Procedure setting forth irrigation days for the various street addresses and other details of alternate day watering. Such Standard Procedure shall be developed, maintained and amended as needed to keep the conditions under which exception permits are granted consistent with recommendations from area experts and technological advances. The use of "reclaimed" or "reused" water, pond water, rainwater or other non-potable water is not governed by this section, nor is the watering of plant material and lawns hand watering.

2. Exemptions.

The Commissioner or designee may grant temporary exemption permits to the provisions of section A(1) for periods of up to 45 days for the establishment of new turf or plantings. Such temporary exemption permits shall be granted based upon the valid application by a person. The exemption permit application process and other details as may be necessary to further define and implement temporary exemption permits will be defined in the Standard Procedure referenced in section A(1). Such Standard Procedure shall be developed, maintained and amended as needed to keep the conditions under which exemption permits are granted consistent with recommendations from area experts and technological advances.

B. Time restrictions on outdoor irrigation.

Irrigation of landscape with potable water is prohibited during the hours of 10:00am to 4:00pm. This section shall not prohibit hand watering.

C. Water waste prohibition.

Wasting water is prohibited.

D. Rain sensors on automatic irrigation systems.

1. Required installation.

- (a) New installation. Upon the effective date of this local law, rain sensors shall be required on all automatic irrigation systems that will receive potable water.
- (b) Existing systems. Rain sensors shall be installed on all existing automatic irrigation systems that receive potable water sixty (60) days after the effective date of this local law.

2. Required maintenance.

All rain sensors shall be adjusted and set so that they automatically shut off the irrigation system after not more than one-fourth inch of rainfall has occurred. All rain sensors shall be installed according to manufacturer's instructions in a location that will provide full exposure to rainfall such that accuracy of operation is assured and shall be maintained in good working condition. No person shall, with the intent of circumventing the purpose of this section, adjust either the rain sensor or irrigation system so that the rain sensor is not able to override and turn off the irrigation system after one-fourth inch of rain has fallen.

Section 5. Enforcement and Penalties.

A. Enforcement.

The Commissioner or designee shall be responsible for enforcing these sections.

B. Violations.

Whenever the Commissioner or designee determines that a violation of this section exists, the Commissioner or designee shall issue a written citation identifying the date, location and nature of the violation, the person cited, and specifying the penalty and the date by which the penalty must be paid. Each day a violation occurs is a separate violation. Any person violating this section may be cited for each day on which a violation occurs

C. Civil penalties.

NOTICE - After the first notice, if the Commissioner or designee find additional violations of these sections, the Commissioner or designee shall issue a citation to such person by personal delivery, mail, or certified mail, return receipt requested, which shall describe the violation and shall specify the amount of the civil penalty levied. The violator shall be subject to a civil penalty as set forth in the Department of Health's fee schedule and enforcement procedures as set forth below. The civil penalty shall be paid within 30 days of receipt of the citation. The civil penalty is collectible in a civil action in the nature of debt. The county attorney, or designee, is authorized to file suit on behalf of the county to collect any unpaid citations, and the County Executive or the Commissioner, or their designee, is authorized to verify and sign complaints on behalf of the county in such suits.

1. With respect to violations of Section 4(C):

- (a) Whenever the Commissioner or designee finds that any person wastes water, the Commissioner or designee shall give such person written notice of that fact ("notice of water waste" or "notice"), with recommendations as to how the wasting of water can be eliminated. Such recommendations might include, but are not limited to, redirection of sprinkler heads, resetting of system timers, addition of devices to prevent water pressure fluctuations, or changes in location to sprinkler systems. The time given to cease wasting water may range from a requirement for immediate compliance to 30 days, depending upon the facts and circumstances of each case. For instance, if a remedy involves moving a portable hose or sprinkler, immediate compliance may be appropriate; if a remedy involves repairing or replacing a sprinkler head, several days may be required;

if the remedy involves more extensive or expensive work, up to 30 days may be necessary. Such notice shall be served by personal delivery, by mail, or by certified mail, return receipt requested, and shall identify the person and the location at which water is being wasted while watering, shall identify the manner in which the water is being wasted, and shall specify a time within which the wasting of water shall cease. The notice shall also warn that civil penalties may be assessed or brought against the person unless the wasting of water ceases within the time provided. If the remedy is effected, there shall be no further action against that person as to that particular violation.

- (b) Because watering may not take place every day, a violation shall be deemed continuing if the same wasting of water takes place on one or more days at the same location described in the notice and citation.
 - (c) The first time the Commissioner or designee finds that any person repeatedly or flagrantly wastes water, the Commissioner or designee shall issue a citation to such person by personal delivery, mail, or certified mail, return receipt requested, and shall be subject to the civil penalty and enforcement procedures specified above.
2. With respect to violations of Section 4(D), because watering may not take place every day, a violation shall be deemed continuing if an irrigation system that was previously the subject of a citation has the same violation on more than one day.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective date.

This local law shall take effect 30 days after filing with the Secretary of State.

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1/9/13
1/16/14
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