

Title: Section 142.2 - Schenectady Aquifer, Schenectady County

Effective Date

03/25/1992

142.2 Schenectady Aquifer, Schenectady County. Applicability. (a) These rules and regulations herein set forth, duly made and enacted in accordance with the provisions of Sections 1100-1107 of the Public Health Law, shall apply to the wells which comprise the sources of public water supply for the following municipal jurisdictions in Schenectady County:

City of Schenectady

Town of Glenville

Town of Niskayuna

Town of Rotterdam

Village of Scotia

These rules and regulations shall apply to any lands, premises and uses within the respective protection zones created herein and shown on the Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990 and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps, dated February, 1990. Said map, or series of maps, all notations or other information shown thereon are part of these Rules and Regulations and are located in the Office of the Clerk of each municipality and the County. These Rules and Regulations are intended to be superimposed on the existing land use laws of each municipality served by the Schenectady Aquifer to augment and enhance those protective measures already in place. These Rules and Regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.

(b) Definitions:

(1) Aboveground Storage Tank - Any stationary tank which is not entirely covered with earth or other material, or any tank which can be inspected in a subterranean vault.

(2) Board - The Intermunicipal Watershed Rules and Regulations Board comprised of the chief elected official of each of the municipal jurisdictions in Schenectady County served by the Schenectady Aquifer and established to enforce and administer these Rules and Regulations and to conduct the central review function of actions taking place within the designated protection zones. The Board was established by adoption of "An Agreement for Intermunicipal Cooperation for an Aquifer Protection Program", and was previously known as the Watershed Committee.

(3) Bulk Storage - The holding or containment of dry, semi-dry or liquid materials in large quantities as defined in Environmental Conservation Law sections 596.1 and 612.1 or in related paragraphs of this section, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.

(4) Chloride Salt - Any bulk quantities of chloride compounds and other deicing compounds excluding liquid chlorides intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent of the

mixture. If any portion of a bulk quantity of chloride compounds or chloride-and-sand mixture is intended for application to roadways, then the entire bulk quantity is road salt. A bulk quantity of chloride compounds means a quantity of one thousand pounds or more, but does not include any chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed one hundred pounds each.

(5) Fertilizer - Any commercially produced mixture generally containing phosphorus, nitrogen and/or potassium which is applied to the ground to provide nutrients to plants.

(6) General Aquifer Recharge Zone - The land outside the primary recharge zone through which runoff and precipitation flow directly and rapidly into the ground, also to be known as Zone III. (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

(7) Groundwater - Any water beneath the land surface in the saturated zone.

(8) Hazardous Material - Any substance listed in either 6NYCRR Part 371, or 6NYCRR Part 597, alone or in combination, including but not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathogenic or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity or EP toxicity.

(9) Human Excreta - Human feces and urine.

(10) Linear Distance - The shortest horizontal distance from the nearest point of a structure or object to the boundary of any protection zone, or to the edge, margin or steep bank forming the ordinary high water line of a water body.

(11) Municipal Water Purveyor - The local official responsible for the operation, maintenance, and provision of the public water supply in each of the communities served by the Schenectady Aquifer also to be known as the Superintendent of Water in the City of Schenectady, the Superintendent of Public Works in the Village of Scotia, the Superintendent of Water in the Town of Glenville, the Commissioner of Public Works in the Town of Niskayuna and the Commissioner of Public Works in the Town of Rotterdam. (12) Non-conforming Use - A building, structure or permitted use of land lawfully existing at the time of the effective date of these Rules and Regulations or any amendments thereto and which does not conform to the standards and prohibitions of the protection zone within which it is situated.

(13) Onsite Disposal System - Any system used for the disposal of sewage on a site or parcel of land.

(14) Open Storage - The holding of a material in a way that the material is exposed to the elements of nature.

(15) Pesticide - Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law Section 33-0101 et seq.

(16) Primary Recharge Zone - Those land areas of general aquifer recharge that contribute groundwater to the public wells, including and encompassing the wellhead protection zone, also to be known as Zone II. (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

(17) Protection Zones - Specific areas, also known as Zones I-IV, that define a hierarchy of aquifer sensitive land as designated and described herein and delineated on the Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990.

(18) Radiation - Ionizing radiation, that is, any alpha-particle, beta particle, gamma ray, x-ray, neutron, high speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared or ultraviolet light.

(19) Radioactive Material - Any material in any form that emits radiation spontaneously.

(20) Salvage Yards - An area where four or more unregistered, old or second hand motor vehicles are being accumulated for disposal, resale of used parts or reclaiming certain materials such as metal, gas, fabric and/or the like.

(21) Schenectady Aquifer - The saturated and overlying unsaturated geologic formations generally existing in the Mohawk Valley lowland areas within the municipal boundaries of the City of Schenectady, Village of Scotia, and the Towns of Rotterdam, Glenville, Niskayuna and Princetown.

(22) Septage - The contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.

(23) Sewage - Any liquid, semi-liquid or solid human or animal waste matter from a domestic, commercial, private or industrial establishment or other place with such groundwater infiltration and surface water as may be present including mixtures of sewage with "industrial wastes" or "other wastes" as defined in Section 17-0105 of Article 17 of the New York State Environmental Conservation Law.

(24) Sludge - Any solid, semisolid or liquid waste generated from a wastewater treatment plant, water supply treatment plant, or air pollution control facility but does not include the treated effluent from a wastewater treatment plant.

(25) Solid Waste - All putrescible and nonputrescible materials or substances that are discarded or rejected including but not limited to garbage, refuse, industrial and commercial waste, sludges, rubbish, tires, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal; but not including those exclusions contained in 6NYCRR Section 360-1.2(a)(4).

(26) Spill - Any unpermitted releasing, spilling, discharging, leaking, pumping, pouring, emitting, emptying or dumping of a petroleum product, or any other hazardous material so that such substance, products or materials may enter the environment, regardless of whether such entry was the result of intentional or unintentional action or omission.

(27) Solid Waste Management Facility - Any facility employed beyond the initial solid waste collection process including, but not limited to, transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities, as defined in Environmental Conservation Law Section 27-0701 et seq.

(28) Tributary Watershed Zone - Land outside the aquifer area that contributes runoff overland and/or through surface streams for ground water recharge, also known as a Zone IV. (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

(29) Underground Injection - The subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the surface dimensions, including but not limited to the use of this procedure for the production of oil or gas or the excavation of minerals. (30) Underground Storage Tank - Any tank completely covered with earth or other material such as concrete, pavement, or other material which visually restricts the identification of leaks. Tanks in subterranean vaults accessible for inspections are considered above ground tanks.

(31) Waste Treatment Facility - Any facility used for treating, neutralizing, stabilizing or disposing of sewage, but excluding small scale septic systems and leach fields serving fewer than five residential units.

(32) Water body - Any river, stream, spring, pond, lake, reservoir or channel of water or any man-made culvert which flows directly into one of the aforementioned.

(33) Wellhead Protection Zone - The surface extent of the cone of depression, immediately adjacent to the public wells, also known as Zone I. (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

(c) General provisions.

(1) General provisions: (i) The manufacture, use, storage, disposal, or discharge of any products, materials, or by-products, such as wastewater, solid waste, hazardous waste or any pollutant within the identified protection zones which may adversely affect the quality of water supply sources must conform to the requirements of these Rules.

(ii) where groundwater deterioration is likely to be caused by land development, municipal officials shall insure that appropriate zoning or other controls are carried out to prevent groundwater contamination.

(2) Accidental spills: Within any of the herein defined Protection Zones, any person who is the owner of, or in actual or constructive possession or control of a hazardous material, or any agent or employee thereof, or any person in a contractual relationship therewith, who is responsible for, or has knowledge of any spill, as defined in subdivision (b), above, of any petroleum, hazardous material, toxic substance or radioactive material to the ground surface or any water body, which is likely to have any adverse affect on water quality or quantity, shall notify the appropriate Municipal Water Purveyor, the New York State Departments of Environmental Conservation and Health, as described in the following subparagraphs i and ii, of this paragraph. The Municipal Water Purveyor shall notify all other appropriate agencies and the Board of any spill.

(i) all spills shall be reported to the appropriate Municipal Water Purveyor and the New York State Department of Environmental Conservation within two (2) hours of such spill, or when knowledge of such spill is obtained, and shall be addressed in accordance with the provisions of Article 12 of the Navigation Law, Sections 170 through 197, and Article 17 of the New York State Environmental Conservation Law. Clean-up of spills is the responsibility of the owners; in case of material in transit, clean-up is the responsibility of the carrier.

(ii) the State Department of Health shall be advised of any spills within twelve (12) hours.

(3) SPDES permits: Within any of the herein defined Protection Zones, all applicants for the permit pursuant to the New York State Pollutant Discharge Elimination System (SPDES) shall simultaneously submit a copy of the application to the New York State Department of Environmental Conservation and the appropriate Municipal Water Purveyor. The Municipal Water Purveyor shall send a copy of this application to the Board for its information.

(4) Exceptions: Exception to the rules and regulations may be granted by the Commissioner of the New York State Department of Health after appropriate study and review, based on prior usage and unique local conditions if, in his judgement, the health and safety of the consuming public will be protected because of treatment provided or other remedial action taken. Such exceptions shall be in writing. Hearings may be held at the Commissioner's discretion.

(5) Protection zone boundary adjustments:

(i) when the location of a protection zone boundary, as shown on the adopted Schenectady Aquifer Protection Zone Map, Plate #1, dated February, 1990, is disputed by any owner or abutter affected by said boundary, the owner or abutter at his own expense may engage a licensed engineer or

professional hydrogeologist to conduct such investigations as are necessary to determine if a discrepancy exists in the mapped boundary.

(ii) the owner or abutter shall submit all pertinent findings to the appropriate Municipal Water Purveyor. The Municipal Water Purveyor shall transmit the submission to the Board. The Board shall investigate and hear evidence regarding the proposed adjustment and make a recommendation to the appropriate municipality. The appropriate municipality shall in turn, hear evidence regarding the proposed boundary zone adjustment and make a recommendation to the Commissioner. The Commissioner shall act to grant, grant with conditions, or deny a boundary adjustment request. (iii) all amendments and adjustments to a Protection Zone Boundary or designation, granted by the Commissioner, shall be officially recorded on the Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones Map, Plate #1, dated February 1990. The Board shall transmit to the Commissioner of the New York State Department of Health, a copy of any such recorded amendments or adjustments.

(6) Non-Conforming Buildings, Structures and/or Uses: Non-conforming buildings, structures or use of land may be continued subject to the owner of such building, structure or use of land demonstrating compliance with conditions set forth in subparagraphs i through iii of this paragraph.

No non-conforming building, structure or use of land shall be enlarged, altered or extended in any manner without a site plan review and specific prior approval by the Local Water Purveyor. No non-conforming building, structure or use of land, may be modified in any way which is determined, by the Local Water Purveyor, to increase its threat to the groundwater or otherwise contravene the purpose and intent of these Watershed Rules and Regulations; however, in no event shall a non-conforming building, structure or use be permitted to expand, enlarge or extend the capacity to store or handle any materials or substances which may be a threat to the Schenectady Aquifer, including, but not limited to, pesticides, fertilizers, chloride salt, septage, sewage, sludge, solid waste, hazardous materials, or radioactive materials.

If any non-conforming use is stopped for a period of six (6) months, or more, it shall permanently desist. Any new building, structure or use of land shall conform to the purpose, intent and literal provisions of these Rules and Regulations, and any amendment thereto. A non-conforming use of land may only be changed to a conforming use of land.

Compliance conditions:

(i) provide a written report to the appropriate Municipal Water Purveyor with the following information at least annually and/or on the occurrence of the following:

(a) change in operation;

(b) any intended sale(s) of property;

(c) results of state agencies' programs including, without limitations, test results and audits from such programs as Petroleum or Chemical Bulk Storage, Resources Conservation and Recovery Act (RCRA), etc.. The owner shall be responsible to immediately remove the contamination from the aquifer.

(d) accidental spills (see subdivision (c)(2)).

(ii) develop and carry out a plan to protect the aquifer from potential contamination associated with land use activities. The plan must be approved by the appropriate Local Water Purveyor and must include:

(a) restrictions or management of activities on the property;

(b) dams/berms (revised drainage control) planned;

(c) identification and development of operating procedures for potential pollution activities; (i.e., changing oil of a car) and

(d) disposal procedures for hazardous material.

(iii) should implementation of the plan described in Subparagraph (ii) not prevent contamination of the aquifer or any portion thereof, the owner shall immediately cease the offending activity and initiate remedial actions to remove the contamination from the aquifer as required by the agency having jurisdiction.

(d) Specific regulations: Zone IV tributary watershed zone.

(1) 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 New York State Department of Health, is prohibited.

(2) The discharge, land application, burial or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta within one hundred (100) feet of any waterbody is prohibited, except as allowed by a valid permit issued by the New York State Department of Environmental Conservation or the New York State Department of Health or for agricultural uses consistent with appropriate best management practices which have been endorsed by the Board (See Schenectady Aquifer Schenectady Intermunicipal Watershed Rules and Regulations Administrative Procedures Manual filed at each Municipal Clerks office).

(3) The dumping or disposing of snow or ice collected offsite from roadways or parking areas within fifty (50) feet of any water body is prohibited.

(4) The open storage of agricultural chemicals and pesticides within fifty (50) feet linear distance of any water body is prohibited.

(5) The open storage of coal or chloride salts within fifty (50) feet linear distance of any water body is prohibited.

(e) Specific regulation: Zone III general aquifer recharge zone. Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this subdivision, all regulations and provisions applicable to Zone IV shall also apply to Zone III. In addition: (1) The construction, installation, maintenance or use of any aboveground storage facility that discharges any petroleum product, hazardous material or toxic substance into the groundwater or into any water body except as allowed by a valid SPDES permit, is prohibited.

(2) The establishment of any raw waste landfill, ash landfill, construction/demolition landfill, junk yard, salvage yard or dump is prohibited.

(3) Underground injection is prohibited, with the sole exception of underground injection activities specifically and directly related to development or maintenance of water supply wells. Except for single family residences, proposals to undertake water supply well development or maintenance related underground injection require prior review and approval from the appropriate Municipal Water Purveyor.

(4) The above-ground discharge, land application or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta is prohibited, except for agricultural uses consistent with appropriate best management practices which have been endorsed by the Board (see Schenectady Aquifer Schenectady Intermunicipal Watershed Rules and Regulations Administrative Procedures Manual filed at each Municipal Clerks office).

(5) The dumping or disposing of snow or ice collected offsite from roadways or parking areas into or within one hundred (100) feet of any water body is prohibited.

(6) The open storage of pesticides for wholesale, retail or commercial agricultural purposes is prohibited.

(7) The bulk storage of coal or chloride salts is prohibited except in structures designed to prevent the entrance of precipitation and constructed on low permeability pads which control seepage and runoff.

(8) The owner of any aboveground or underground storage facility existing on the effective date of these Rules and Regulations shall notify the appropriate municipal water purveyor and all other appropriate agencies of any leak or spill promptly on its discovery. The owner shall immediately undertake any such actions as may be necessary to prevent contamination of the groundwater. The municipal water purveyor shall send this information to the Board and all other involved or interested agencies.

(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 of Health. (See 10NYCRR, Subpart 5-2).

(10) 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.

(11) Sanitary sewer lines, pipes and mains shall not allow exfiltration or infiltration to exceed 200 gallons per inch of pipe diameter per mile per day for any section of the sewerage system. (See Recommended Standards for Wastewater Facilities, 1990 Edition, Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers, Section 33.9).

(f) Specific regulations: Zone II primary recharge zone. Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this subdivision, all regulations and provisions applicable to Zones IV and III shall also apply to Zone II. In addition:

(1) Uses that pose a substantial risk to groundwater quality because of associated storage, use or handling of hazardous materials, as defined by 6NYCRR Part 595 and Part 612, are prohibited. These uses include but are not limited to motor vehicle repair and body shops; trucking or bus terminals; coin or commercial laundries; 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.

(2) The commercial excavation or extraction 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.

(3) The introduction into an existing onsite disposal system of any hazardous material is prohibited.

(4) The establishment of any solid waste management or waste treatment facility, is prohibited.

(5) The installation of any underground storage facility is prohibited.

(6) The internment of human or animal remains is prohibited.

(7) The dumping or disposing of snow or ice collected offsite from roadways or parking areas is prohibited.

(8) Approval is required from the appropriate municipal building inspector before the installation of any new onsite disposal system or the replacement or expansion of any existing onsite disposal system. Conditions for approval shall include an approved engineering plan, a site specific soils analysis, verification of the site's percolation rate and inspection of the site before backfilling. A copy of the approval will be sent to the water purveyor.

(9) The appropriate municipal water purveyor must be notified before the spreading, application or use of any pesticide for commercial and agricultural purposes. Notification shall include a description of the area to be covered and identification of the type and volume of the material to be used.

(g) Specific Regulation: Zone I wellhead protection zone. Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this subdivision, all regulations and provisions applicable to Zones IV, III, and II shall also apply to Zone I. In addition:

(1) 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 and existing transportation corridors, to which the relevant restrictions of these regulations shall apply.

(2) The storage or handling of any septage, sewage, sludge, animal wastes, human excreta, hazardous material or radioactive material, except 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.

(3) The bulk storage of coal or chloride salts is prohibited. (4) The use of pesticides for commercial/agricultural purposes is prohibited.

(5) No filling, excavation or dredging, other than those activities specifically referred to in subdivision (f)(2), above, is permitted without prior approval of the appropriate municipal purveyor. 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 set forth in 6NYCRR, Part 703.

(h) Inspections. Each municipality which has protection zones, or portions of protection zones, within its municipal jurisdiction, shall make periodic inspections of all properties within the boundaries of such zones, consistent with all constitutional limitations, to verify conformance with these rules and regulations. These inspections shall be conducted by the Municipal Water Purveyor, or designated municipal official, having jurisdiction, at least one time annually. Before January 1st of each year the Municipal Water Purveyor shall make a report to the board describing the results of these inspections together with any other information relevant to the enforcement and administration of these rules and regulations.

Information necessary to demonstrate compliance shall be submitted at the request of the municipal water purveyor. The aforesaid shall cause copies of any provisions violated to be served on the person violating same together with notices of such violations. If said person does not immediately comply, the municipal water purveyor shall promptly notify the Board and the State Commissioner of Health of such violations.

The board shall make annual reports to the State Commissioner of Health, before January 30th, including such information on 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 rules and regulations.

(i) Variances.

(1) Standards - An owner who experiences practical difficulty or unnecessary hardship because of the literal interpretation of the provisions of these rules and regulations may request a hearing by the Commissioner of Health. The commissioner may grant a variance from the requirements of the rules and regulations if the commissioner finds that the health, welfare and safety of the consuming public will be protected. In making this determination, the Commissioner shall consider the following factors and make findings regarding each:

- (i) whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of these rules and regulations;
- (ii) whether a substantial change will be produced in the general condition of the resource or a substantial risk to groundwater quality or quantity will be created because of the variance;
- (iii) whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue;
- (iv) whether the variance requested is the minimum variance necessary to afford relief. To this end, the Health Department may grant a lesser variance than that applied for; or
- (v) whether the hardship or difficulty has not been created by the applicant.

(2) Decision of the commissioner - The commissioner may request the local water purveyor and the board to review any application for a variance before reaching a determination regarding the request. The Commissioner may impose such conditions as it may deem necessary to serve the purpose and intent of these rules and regulations.

The commissioner shall act on all requests within sixty (60) days of a variance application. Failure to act within this sixty (60) day period shall be deemed a denial of the application.

Every decision of the Health Department to grant, grant with conditions or deny a variance request shall be made in writing and served on the applicant and shall include all findings made regarding the aforementioned factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of these rules and regulations.

The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required by the municipality which such action is proposed.

(3) Variance Application Procedure - Applications for a variance shall be submitted to the appropriate municipal water purveyor by registered mail and shall contain at least the following information:

- (i) the applicant's name, address and his interest in the subject property; or the owner's name and address, if different from the applicant, and the owner's signed consent to file the application;
 - (ii) the protection zone location, along with the street address and legal description of the subject property;
 - (iii) a narrative description of the proposed use or action together with any other pertinent information that may be necessary to adequately review the application;
 - (iv) a sketch plan illustrating all proposed site alterations, all structures existing on site, the existing uses and zoning of adjacent parcels, site contours and drainage patterns;
 - (v) a statement articulating the hardship or difficulty imposed by the enforcement and administration of these rules and regulations with specific reference to the factors listed in these rules and regulations;
 - (vi) a statement assessing the potential impact on groundwater quality of the use or activity to be authorized by the waiver or variance; and
 - (vii) a plan and annual report as described in subdivision (c)(6)(i) and (ii) where applicable.
- (j) Penalties for violations. Any person, firm or corporation who violates, disobeys, refuses to comply with or resists the enforcement of these rules and regulations shall be subject to those penalties

specified in Section 1103 of the Public Health Law. Any such violation may be enjoined subject to Sections 1102, 1104 and 1105 of the Public Health Law.

(k) Amendments. The board, from time to time, on its own motion or on a recommendation from any communities in Schenectady County served by the Schenectady Aquifer, as specified in subdivision (a) of this section, may propose to amend, supplement or change the provisions of these rules and regulations. In proposing any amendment, supplement or change, the Board shall, in writing, state the reasons for such action.

No amendment, supplement or change proposed by the board shall be considered for adoption as a valid part of these rules and regulations until it is duly approved by resolution of the governing bodies of each of the communities in Schenectady County served by the Schenectady Aquifer, as specified in Section 142.2(a), adopted by the State Commissioner of Health, and filed in the Office of the Secretary of State.

Nothing contained herein shall be construed to impair the authority of the State Commissioner of Health to make rules and regulations for the protection from contamination of any or all public supplies of potable waters and water supplies of this state.

(l) Separability. If any section, paragraph or part of these rules and regulations is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph and part shall continue in full force and effect.