

COUNTY OF SUFFOLK



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DIVISION OF ENVIRONMENTAL QUALITY

# **SEWAGE TREATMENT PLANT NOTIFICATION STANDARDS**

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**Section 1: AUTHORITY**

The statutory authority for these standards can be found in Local Law 57-2012 entitled “A Local Law to Require Public Notification of Sewage Contamination in Suffolk County (STP Notification Law)” which was enacted by the Suffolk County Legislature on November 6, 2012. The law became effective on January 6, 2013. Statutory authority is also found in Resolution Number 1005-2012.

**Section 2: PURPOSE**

Local Law 57-2012 and Resolution Number 1005-2012 require that all private and County sewage treatment plant operators report to the Department of Health Services (SCDHS) incidents where sewage treatment plants discharge untreated or partially treated waste within 4 hours of the incident. In addition, the SCDHS is responsible to notify appropriate elected officials within 12 hours of receipt of notification by the operator and post such incidents online to the public within 24 hours of same.

Local Law 57-2012 authorized the SCDHS to promulgate all rules and regulations necessary to implement this law. These standards shall define the reporting mechanism and clarify the responsibilities of each individual party.

**Section 3: NYSDEC Reporting Law**

Effective May 1, 2013, all Publicly Owned Treatment Works (POTWs) are required to comply with the Mandatory Sewage Release Reporting and Notification Law found in ECL 17-0826-a which imposes different reporting requirements. Local Law 57-2012 does not apply to POTWs. However, SCDHS will allow POTW operators to voluntarily use the reporting system prescribed by these standards, and POTW operators will receive written instructions on accessing the SCDHS online data entry system. Should POTW operators report using the SCDHS system, then elected official notification and web posting procedures outlined in Section 5.2 will be utilized by the SCDHS.

It shall be left to the discretion of the New York State Department of Environmental Conservation (NYSDEC) as to whether New York State will allow POTWs located in Suffolk County to utilize the County reporting system to fulfill state reporting requirement. POTW operators are solely responsible for compliance with all NYSDEC reporting requirements.

**Section 4: INCIDENTS THAT REQUIRE REPORTING**

There are 5 categories of incidents that require reporting under the Local Law 57-2012. These are defined as follows:

**4.1 – Spill of Untreated or Partially Treated Sewage**

A spill is defined as any discharge of untreated or partially treated sewage to the surface of the ground in the vicinity of the treatment plant. Partially treated sewage is defined as sewage that has been treated to less than the required SPDES permit effluent limitations. An example of a spill would be a breakdown of the influent pumping station that resulted in the overflow of

untreated waste prior to the treatment plant. The reporting of a spill is required within 4 hours of the incident.

#### 4.2 - Mechanical Breakdown

A mechanical breakdown is defined as a breakdown of any mechanical system that can result in the discharge of untreated or partially treated sewage from the STP. An example of mechanical breakdown would be the total loss of aeration equipment. Considering that a primary and backup blower are installed at all treatment plants, the loss of a primary blower does not constitute a reportable incident, whereas the failure of both aeration blowers must be reported. The reporting of a mechanical breakdown is required within 4 hours of the incident.

#### 4.3 - Sample Violation

A sample violation is defined as a discharge of untreated or partially treated sewage from the STP which results in a significant overage of a permit parameter as stipulated by NYSDEC in the SPDES permit for the facility. The following sample violations must be reported:

1. Discharge of Total Nitrogen in excess of 15 mg/l
2. Discharge of BOD<sub>5</sub> in excess of 45 mg/l
3. Discharge of Suspended Solids in excess of 45 mg/l
4. Discharge of Total or Fecal Coliform in excess of permit limits.

All samples that have been analyzed by a New York State certified laboratories that are found to be in excess of the above listed parameters must be reported within 4 hours of knowledge by the operator.

#### 4.4 – Combined Sewer Overflow due to Wet Weather

A combined sewer overflow due to wet weather is defined as a discharge of untreated or partially treated sewage from the STP as the result of excess storm water entering the collection system as a result of wet weather resulting in the bypass of treatment processes at the treatment works. The reporting of a combined sewer overflow due to wet weather is required within 4 hours of the incident.

#### 4.5 – Sanitary Sewer Overflow within the Collection System

A sanitary sewer overflow is defined as a discharge of untreated or partially treated sewage from the sewer collection system leading to or from the sewage treatment plant. The reporting of a sanitary system overflow is required within 4 hours of the incident.

### **Section 5: REPORTING REQUIREMENTS**

#### 5.1 - Operator Requirements

If any operator of a private or county sewage treatment plant has a discharge of untreated or partially treated sewage (incident), a report must be filed with the SCDHS within 4 hours of an

occurrence. The following information shall be reported by means of an electronic form which is completed by the operator:

1. The specific location of the discharge;
2. The volume and treated state of the discharge;
3. The date and time of the discharge;
4. The expected duration of the discharge;
5. A description of the steps taken to contain or remediate the discharge;
6. Description of the incident;
7. Identification of a public health risk
8. Follow-up reports, if applicable.

The operator can locate the reporting form under the STP Notification Tab on the Suffolk County SCDHS Homepage (<http://www.suffolkcountyny.gov/departments/healthservices.aspx>) and access it through use of a user login and password. The report will consist of drop down fields that can be tailored by the operator to fulfill the reporting requirement. Once the form has been submitted electronically, an e-mail notification of receipt will be sent to the operator.

All operators will receive written instructions from SCDHS on accessing the online data entry system and will be responsible for utilizing the said system to report any incidents within the timeframes outlined in the above section.

## 5.2 - Department of Health Requirements

### 5.2.1 - Elected Official Notification

Within 12 hours of receiving a report of an incident discharge, the SCDHS shall notify the County Executive and the County Legislator representing the district in which the discharge occurred. An e-mail notification shall be sent to the respective contacts which shall include all pertinent facts about the incident.

### 5.2.2 - Posting to Website

Within 24 hours of receiving a report of sewage discharge, the SCDHS shall post a public notification on its website. The website shall be divided into 3 sections for ease of viewing. The 3 sections are as follows:

#### 5.2.2.1 – Facility Reported Incidents

This section shall be utilized for facilities that report incidents as required by law. Based upon the submitted reporting form, a series of output forms shall be generated which will be posted to the website. The following information will be displayed:

Table 1 will include a listing of: STP name, Date, Time, and Details.

A secondary details table will open upon selection which will list the following information for each selected facility:

1. Name of sewage treatment plant
2. Address
3. City
4. SPDES number
5. Date of incident
6. Time of incident
7. Description of incident
8. Treated state
9. Volume of discharge
10. Anticipated duration
11. Containment steps
12. Corrective action
13. Public health risk
14. For more information on the incident please contact the operator (name) at (e-mail address).

Each incident will be posted on the website for 30 days from the date of the incident before being removed from view.

#### 5.2.2.2 - Orders on Consent

This section shall be utilized for facilities that are under a SCDHS Order on Consent mandating repairs and/or upgrades of noncomplying facilities. An Order on Consent is a legal agreement between the Department and a facility to repair mechanical or operational problems within a predetermined timeframe. As such, a listing of facilities which are under Orders on Consent will be posted by the Department and facilities will not be required to report mechanical breakdowns or sample violations related to the repair work approved in the agreement until the repair work has been completed. Please note that failure on the part of the facility owner to complete the repairs in a timely fashion may lead to fines being levied by the Department.

Facilities that are under Orders on Consent shall still be required to report incidents in conformance with the Operator Requirements above if the incident is not related to the subject of the order on consent. The Department shall report these incidents to the elected officials and website in accordance with the Local Law. The following information for facilities under Orders on Consent shall be posted on the website:

Table 1 will include a listing of: STP and Details.

A secondary details table will open upon selection which will list the following information for each selected facility:

1. Name of sewage treatment plant
2. Address
3. City
4. SPDES number
5. Operator
6. Scope of Work

7. Anticipate Compliance Date
8. For more information on the requirements of this Order on Consent please contact the SCDHS at (631) 852-5700.

Each facility under an Order on Consent will be posted on the website until such time that compliance is achieved.

#### 5.2.2.3 – County Reported Incidents

This section shall be utilized for facilities that have allegedly failed to report a possible incident as required by law. Notification to elected officials and the website shall be completed by the SCDHS. In addition, any facility may be subject to a civil penalty as prescribed by law after notice and a formal hearing with the Commissioner of Health Services.

Table 1 will include a listing of: STP name, Date, Time, and Details.

A secondary details table will open upon selection which will list the following information for each selected facility:

1. Name of sewage treatment plant
2. Address
3. City
4. SPDES number
5. Date of incident
6. Time of incident
7. Description of incident
8. Treated state
9. Volume of discharge
10. Anticipated duration
11. Containment steps
12. Corrective action
13. Public health risk
14. For more information on the incident please contact the SCDHS at (631) 852-5700
15. Note: This facility is subject to a civil penalty of up to \$1,000 for every day that a violation remains unreported. A penalty may be assessed by the Commissioner of Health Services in connection with this incident following a hearing on the matter.

Each incident will be posted on the website for 30 days from the date of the incident before being removed from view.

#### **Section 6 - PENALTIES**

Facilities that fail to report an incident as outlined above shall be subject to a civil penalty of up to \$1,000 for every day that a violation remains unreported. A civil penalty shall only be assessed by the Commissioner of the SCDHS following a hearing and opportunity of an alleged violator to be heard.

APPROVAL BY THE COMMISSIONER OF HEALTH SERVICES

In accordance with Local Law 57-2012, the foregoing are the standards of the Suffolk County SCDHS for Sewage Treatment Plant Notification. These standards are effective June 17, 2013.

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Suffolk County