CHIEF ENGINEER'S GENERAL LETTER NO. 65-38

TO: ALL DISTRICT ENGINEERS and Deputy Chief Engineers,
and Messrs. McMorran, Hughes, Corwin, Cammero, Walsh and Krick

SUBJECT: The Control of the Discharge of Effluent from Private Sanitary Systems into Highway Drainage Facilities

Representatives of the Department of Health and the Department of Public Works have met and have established responsibilities and procedures for dealing with intrusions into our rights of way as listed above. Please familiarize yourselves with them, and be governed by them. The agreed procedure follows:

Upon the detection of an instance of effluent discharge into our drainage system the Department of Public Works will contact the respective district office or regional office of the Health Department regarding the violation. A joint investigation will then be made by representatives of both Departments to determine:

1. whether there is a physical connection to an existing storm sewer.

2. whether the individual property owner's sewer pipe extends within the DPW's right of way.

If either one or both of the above situations exist, DPW will take action to correct the situation since it represents trespassing on State property. The Health Department representatives shall assist DPW by sending a letter to the individual property owner advising that the
connection is unsatisfactory, and does not represent adequate sewage disposal. Dye tests can also be conducted by the Health Department to demonstrate the connection between the individual property and the highway drainage facility.

If the joint inspection reveals that the sewer pipe terminates outside of the DPW's right of way and that the sewage effluent flows into the highway drainage facilities, the Department of Health will take the necessary action to have the situation corrected. Such action will be initiated either through the district health offices or the full-time city and county health departments under the provisions of the water pollution control law.

Very truly yours,

[Signature]

ROBERT W. SWEET
Chief Engineer

RWS: lg
April 22, 1966

Messrs. Hughes, Sweet, Bennett, Evans, Lefave, Baldwin

Memorandum of Understanding between
the New York State Department of Public Works
and the New York State Department of Health

Attached for your information is a copy of
a Memorandum of Understanding between the Department of
Public Works and the Department of Health concerning
water pollution and septic drainage.

Saul C. Corwin

SCC:DWH:lb
Attachment
MEMORANDUM OF UNDERSTANDING
BETWEEN THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS
AND THE NEW YORK STATE DEPARTMENT OF HEALTH

The New York State Department of Health has responsibilities for control of air pollution, water sources and systems, sewerage and sewage and waste treatment, stream pollution, bathing beaches, refuse disposal and related environmental health activities. The potential effect on these areas of concern caused by State highway construction can be minimized through full cooperation and exchange of information between the Department of Public Works and the Department of Health.

It is desirable, therefore, to utilize the field organization of the Departments of Public Works and Health to determine the potential environmental health problems and the solutions best adapted to satisfy local conditions.

THEREFORE, the New York State Departments of Public Works and Health agree that:

(1) The Superintendent of Public Works will advise the Commissioner of Health of conferences on projects progressing to the design stage and of preliminary plans for highway construction which may involve health department interests. The Commissioner's representative at these conferences will be authorized to act for the Commissioner on questions concerning the effect of the highway construction on such environmental health matters as water supply, water treatment, water pollution, sewerage and sewage disposal, air pollution, refuse disposal, recreation sites, noxious weed control and related activities.

(2) The Superintendent of Public Works will make available through his various district offices or main office information needed by the Commissioner of Health or his representatives. Such information will be for the use of the Commissioner and/or his representatives and is not to be given to the public until released by the Superintendent of Public Works.

* Regional Director of Public Health Engineering, District Sanitary Engineer, or Local Public Health Engineer.
(3) When the design of a project is approximately 75% complete, the Superintendent will make available to the Commissioner's representative for review the advance detail plans.

(4) The representative of the Commissioner shall submit within 15 days in writing to the Superintendent his recommendations, relating to the review of the advance plans.

(5) Representatives of the Commissioner are welcome and invited to observe construction and to make recommendations to the project engineer regarding the control or protection of environmental health facilities and problems. The project engineer, if satisfied as to the soundness of the recommendations, shall take such steps as are possible under the specific contract to implement such recommendations. When action is recommended that is beyond the authority of the project engineer, he shall refer such recommendations to the district engineer. The Department of Public Works district engineer shall make known to the Superintendent all such construction practices that cannot be readily resolved by the project engineer in order that such practices may be reviewed and the situation resolved and also reflected in future designs and specifications.

(6) District engineers of the Department of Public Works are invited to report environmental health hazards encountered during construction to the Commissioner or his representative. The responsible representative of the Commissioner shall work with the Department of Public Works representative and take such steps as are available under existing health laws to eliminate unsatisfactory conditions. The representative of the Commissioner will bring to the attention of the Commissioner environmental health problems that cannot be resolved under existing health laws in order that the problem may be reviewed and the need for other action determined.

SIGNED:

Hollis S. Ingraham, M.D., Commissioner
New York State Department of Health

Date \( \text{[redacted]} \), 1966

J. Burch McMorran, Superintendent
New York State Department of Public Works

Date \( \text{[redacted]} \), 1966
1. Water Pollution Control

Part 337, Section 332.6, Rules and Regulations, Issuance of Permits under Conservation Law Part III-A (Laws of 1965, Chapter 955), Use and Protection of Waters, prescribes criteria for the issuance of permits for use and protection of waters in New York State. These are:

"(a) The proposal is reasonable and necessary.

(b) The proposal will not cause unreasonable, uncontrolled or unnecessary:

(1) Erosion of soil from banks or uplands.
(2) Increased costs of water treatment.
(3) Loss of crop land and forest by flooding.
(4) Destruction and failure of natural propagation of fish and aquatic resources.
(5) Loss of water for beneficial uses and purposes.
(6) Pollution of affected waters.
(7) Increases in turbidity.
(8) Deposition of silt and debris.
(9) Irregular variations in water velocity.
(10) Irregular variations in temperature of waters.
(11) Irregular variations in level of waters.

(c) The proposal will not endanger the health, safety and welfare of the people of the State of New York."

2. Procedure For Abating Illegal Discharges of Private Sanitary Systems Into State Highway Drainage Facilities. (See State Health Department Field Memorandum Series 66-10, January 18, 1966.)

"Representatives of the Department of Health and the Department of Public Works have agreed that the following procedure be used to deal with the illegal discharge of private, sanitary systems into state highway drainage facilities:

The Department of Public Works will contact the respective district office or regional office of the Health Department regarding nuisance conditions caused by the discharge of inadequately treated sewage from individual residences into a highway drainage ditch or storm sewer. A joint investigation will then be made by representatives of both departments to determine:

(1) Whether there is a physical connection to an existing storm sewer;

(2) Whether the individual property owner's sewer pipe extends within the DPW's right of way.

If either one or both of the above situations exists, the DPW will take action to correct the situation since it represents trespassing of state property. The Health Department representative shall assist DPW by sending a letter to the individual property owner advising that the connection is unsatisfactory and does not represent adequate sewage disposal. Dye tests can also be conducted by the Health Department to demonstrate the connection between the individual property and the highway drainage facility.

If the joint inspection reveals that the sewer pipe terminates outside of the DPW's right of way and that the sewage effluent flows into the highway drainage facilities, the Department of Health will take the necessary action to have the situation corrected. Such action will be initiated either through the district health offices of the State Health Department or the full-time city and county health departments under the provisions of the water pollution control law."
3. Air Pollution Control

In addition to any other requirements, no fires shall be permitted within or adjacent to highway right of way in urbanized areas, or in areas where State or local air pollution control laws, codes, rules or regulations prohibit open burning unless a special exemption is granted by the control authority on recommendation of the Commissioner's representative. Demolition debris, rubbish, trees, stumps, brush, and other such materials accumulated in the course of work not specified to be disposed of otherwise, shall be removed from the site and disposed of in a suitable manner.

Dust suppression measures shall be employed in urban areas and in the vicinity of habitations. This is part of the standard Department of Public Works specifications.

In rural areas, where burning is permitted by the District Ranger of the Conservation Department or other control authority, and by the representative of the Commissioner, in addition to the requirements of the District Ranger or other control authority, the contractor shall: (a) time burning for periods when prevailing winds are away from populated areas, (b) shake out dirt from stumps before burning, (c) not use old tires, fuel oil or similar materials which cause excessive air pollution in order to start fires or keep fires going.

The Commissioner's representative shall determine before the 75 per cent stage of plan review (step 3 of the memorandum) where burning is to be prohibited or under what conditions burning is to be permitted on specific jobs.