



July 19, 2024

Secretary of State
State Records and Law Bureau
Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Re: Filing of Local Law #3-2024

Dear Secretary of State:

Enclosed please find an original of the above-mentioned Local Laws having been duly adopted by the Board of Trustees on July 18, 2024.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Judy H. Zurawski". The signature is written in black ink and is positioned above the printed name and title.

Judy H. Zurawski
Clerk/Treasurer

Enc.

cc: General Code Publishers

Village of Liberty is An Equal Opportunity Provider, and Employer
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USDA Director, Office of Civil Rights, Washington, DC 20250-9410

Local Law Filing

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(use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City of~~

~~Town~~

Village of Liberty

Local Law No. 3 of the year 2024

A local law to establish Water Supply Protection Overlay Zones (Aquifer Protection Overlay Zone and Tributary Watershed Protection Overlay Zone) in the Village of Liberty
(Insert Title)

Be it enacted by the Village Board

of the

(Name of Legislative Body)

~~County~~

~~City~~ of Liberty

as follows:

~~Town~~

Village

1. **Purpose:** The Village Board had determined in 2023 that, through mistake, Local Law No. 4 of 1997 was effectively repealed when the Village of Liberty adopted its new Zoning Local Law in 2008 by Local Law No. 4 of 2008, by which it substantially revised Chapter 87 of the Village Code and provided that "Article 87 of the Code of the Village of Liberty (Zoning) is hereby repealed in its entirety and replaced with the following new Article 87 of the Code of the Village of Liberty".

Local Law No. 4 of 1997 had added the Aquifer Protection Overlay Zone and Tributary Watershed Protection Overlay Zone, by (a) adding a Water Supply Protection Overlay Zone Map to former Section 87.4 of the former Chapter 87 of the Village Code, (b) adding a Subsection E to Section 87.25 ("Nonconforming Uses"), (c) adding several provisions to former Section 87.34 of the former Chapter 87 ("Site Development Land Approval"), (d)

adding Article XIV to the former Chapter 87 ("Water Protection Overlay Zones"), encompassing Sections 87.39 - 87.45. Other than the reference to the "Aquifer Protection Overlay" District in the new Section 87-5.B of the new Chapter 87, none of the other provisions of Local Law No.4 of 1997 were included in the new Chapter 87.

By Local Law No. 3 of 2024 the Village of Liberty adopted a moratorium for a period of one (1) year which provided that no building or other permits, or certificates of occupancy, may be issued or granted, nor shall the Code Enforcement Officer, Village Planning Board or Village Zoning Board of Appeals accept, process or approve of any applications for development or permits (including but not limited to building permits, certificates of occupancy or Floodplain Development Permits) for any structure or other development in the Water Protection Overlay Zones as created by Local Law No. 4 of 1997 and as set forth in the Water Supply Protection Overlay Zones Map created by such former Local Law and on file with the Village Clerk, except those of an emergency nature when there is clear imminent danger to the life or safety of the public as determined by the Village Code Enforcement Officer. Notwithstanding the foregoing, the following are exempt from the moratorium: (a) the issuance of building permits for usual and customary repairs of existing structures and (b) developments which will not have an adverse effect on any aquifer or tributary in the Village of Liberty, as determined by the Village Board upon written application to it; any costs or expenses incurred by the Village of Liberty in reviewing any such application (e.g., engineering fees) shall be paid by the applicant as a condition to such approval, and the Village Board may require the applicant to post a sum estimated to cover the costs or expenses prior to the Village Board considering any such application.

The purpose of this Local Law is to re-establish the Water Supply Protection Overlay Zones (Aquifer Protection Overlay Zone and Tributary Watershed Protection Overlay Zone) in the Village of Liberty.

2. Section 87-5 of the Village Code, entitled "Enumeration of Districts" is hereby amended to add the following:

"Aquifer Protection Overlay Zone AP
Tributary Watershed Protection Overlay Zone TW"
3. Section 87-6 of the Village Code, entitled "Zoning Map", is hereby amended to add the following at the end thereof:

"The Aquifer Protection Overlay Zone and Tributary Watershed Protection Overlay Zone are set forth on the Water Supply Protection Overlay Zones Map filed with the Village Clerk."
4. Section 87-56 of the Village Code is hereby amended to read as follows:

"87.56 Nonconforming uses within the Aquifer Protection Overlay Zone and the Tributary Watershed Overlay Zone

A. A nonconforming use within the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone shall not be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment

B. A nonconforming use within the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone shall not be altered, reconstructed, or structurally changed without obtaining site development plan approval from the Planning Board. No site development plan approval shall be granted for any alteration, reconstruction, or structural change for a non-conforming structure or use without a specific finding by the Planning Board that the proposed alteration, reconstruction, or structural change will not violate any of the provisions of Article XI of the Village Code. It shall be the responsibility of the applicant proposing said alteration, reconstruction, or structural change to demonstrate to the Planning Board that the proposed alteration, reconstruction, or structural change will not violate any of the provisions of Article XI of the Village Code as specified for the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone (as applicable)."

5. Section 87-26 of the Village Code is hereby amended to read as follows:

"Section 87-26 Uses wholly or partially within the Aquifer Protection Overlay Zone and the Tributary Watershed Overlay Zone

A. Site Development approval by the Planning Board is required for the following:

1. Any use wholly or partially within the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone which is required to comply with any additional requirements and standards as contained in Article XI, Section 87.87, shall also be required to have site plan approval by the Planning Board prior to the issuance of a Building Permit.

2. Where a site plan approval has been issued for a use within the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone, a change in use, whether significant or slight, shall require application for a new site plan review if (a) hazardous substances or petroleum not listed in the original application are proposed to be used or stored at the site, or (b) the change may be significant enough to impact the Village of Liberty water supply.

B. Objectives.

1. The proposed use does not negatively impact or threaten the provision of good quality drinking water to the people dependent upon the Village of Liberty water supply. In making such determination, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality and quantity which would result if the control measures failed.

2. The proposed use complies with all requirements and standards as set forth for the use in Article XI, Section 87.87.

C. Effect of the site development plan approval.

No building permit will be issued for any structure or use covered by this section until an approved site development plan or approved amendment of any such plan has been secured by the applicant and presented to the Code Enforcement Officer. No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

D. Site development plan elements.

1. Aquifer Protection Features. Applicants proposing a use in the Aquifer Protection Overlay Zone or the Tributary Watershed Overlay Zone which requires a site development plan or a use which is required to comply with any additional requirements and standards as contained in Article XI, Section 87.87, shall include the following in a site development plan:

a. A map and a report including the location of the premise and plans indicating all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, hazardous substances and wastes, solid waste, and incidental wastes.

b. A complete list, including an estimate of the volume in pounds dry weight and liquid gallons, of all petroleum, chemicals, pesticides, fuels and other hazardous substances/wastes to be used, generated, and stored on the premises.

c. A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion and leakage. At a minimum, such measures shall include a description of appropriate requirements and standards as required by Article XI, Section 87.87.

d. A description of the procedures for containing and cleaning up a spill of hazardous substances/waste and notifying the Village of Liberty and other appropriate local and state officials of a spill, leak, or other discharge.

e. A description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers.

f. A description of proposed measures to control runoff and drainage from the site or a stormwater management and erosion and sedimentation control plan.

g. A landscape plan that indicates predevelopment areas of undisturbed, natural vegetation and proposed post development areas of undisturbed, natural vegetation.

h. Copies of any permits and applications made to any other governmental agencies.

i. A completed SEQRA Environmental Assessment Form.

j. Information and materials as may be required elsewhere in this Article. add the following:

E. Compliance with State Environmental Quality Review Act (SEQRA)

1. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6NYCRR 617.

6. A new Article XI of the Village Code is hereby enacted, to read as follows:

“ARTICLE XI - Water Supply Protection Overlay Zones

Section 87.81 Purpose and Intent

The purpose and intent of establishing water supply protection overlay zones is to assist in the preservation of public health, general welfare, and safety to the residents of the Village of Liberty and to facilitate the adequate provision of water through the elimination or prevention of groundwater contamination in the vicinity of the well(s) which supply public water.

Section 87.82 Scope and Applicability

Water supply protection overlay zones shall be considered as overlaying other existing zones as shown on the zoning map. Any uses not permitted in the underlying zone shall not be permitted in the water supply protection overlay zones. Any uses permitted in the underlying zone shall be permitted in the water supply protection overlay zones, except where the water supply protection overlay zones prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply.

Section 87.83 Establishment and Boundaries of Water Supply Protection Overlay Zones

There are hereby established within the Village of Liberty, two water supply protection overlay zones. These zones are delineated on a map entitled Water Supply Protection Overlay Zones Map filed with the Village Clerk. These zones are described as follows:

- A. Aquifer Protection Overlay Zone (AP Overlay): This zone consists of: (1) the deep rock fisher ground water aquifer in the Middle Mongaup River Valley (as identified on Figure 2 of the December 1974 study by Steams & Wheler Engineers); and (2) immediate contiguous areas which drain directly into the aquifer area.
- B. Tributary Watershed Protection Overlay Zone (TW Overlay): This zone consists of the remaining land that contributes surface water runoff to the deep rock fisher ground water aquifer and the AP Overlay Zone.

SECTION 87.84 Definitions

BULK STORAGE - Materials stored in large quantities which are usually dispensed in smaller units for use or consumption.

CONTAMINATION - The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

DEICING CHLORIDE SALT - Any bulk quantities of chloride compounds and other deicing compounds 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. Bulk quantity of chloride compounds means any quantity, but does not include any chloride compounds in a solid form which are packaged in waterproof bags or containers which do not exceed one hundred pounds each.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or release by any other means of a substance to the surface or subsurface of the ground, surface waters, or groundwater.

FERTILIZERS - Any commercially produced mixture generally containing phosphorous, nitrogen, and potassium which is applied to the ground to increase nutrients from plants.

HAZARDOUS SUBSTANCE - Any substance listed as a hazardous substance in 6 NYCRR Part 591, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

HAZARDOUS WASTE - A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include but are not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or EP toxicity.

HERBICIDES - Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and those substances defined pursuant to Environmental Conservation Law Section 33-0101.

HUMAN EXCRETA - Shall mean human feces and urine.

IMPERVIOUS SURFACE - Any man-made material, such as pavement used in parking lots or driveways or any building or other structure on a lot, that does not allow surface water to penetrate into the soil.

MANURE- Shall mean animal feces and urine.

ON-SITE CONSUMPTION - The use of petroleum to heat or cool a residential or non-residential structure, to operate machinery necessary for agricultural activities, or for processing or manufacturing activities. On-site consumption does not include the sale or distribution of petroleum for or into vehicles, except vehicles used only on-site.

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 those substances defined pursuant to Environmental Conservation Law Section 17-0105.

PETROLEUM - Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of (a) being burned to produce heat or energy; (b) as a motor fuel or lubricant; or (c) in the operation of hydraulic equipment.

RADIOACTIVE MATERIAL - Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

REFUSE - Anything putrescible or nonputrescible that is discarded or rejected as useless or worthless.

SECONDARY CONTAINMENT-A structure which prevents any materials that have spilled or leaked from primary containment structures, such as piping, tanks or other containers, from reaching the land surface, subsurface, or a water body.

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

SLUDGE- The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

SOLID WASTE - Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

SPILL- Any discharge of a substance from the containers employed in storage, transfer, processing, or use.

Section 87.85 Permitted Uses

All uses currently permitted under the Village of Liberty Zoning Ordinance and Map are permitted in the Aquifer Protection Overlay Zone (AP Overlay) and the Tributary Watershed Protection Overlay Zone (TW Overlay) subject to the additional requirements as indicated in Sections 87.86 and Section 87.87 of this Article.

Section 87.86 Prohibited Uses

A. Aquifer Protection Overlay Zone (AP)

The following uses and activities are specifically prohibited in the Aquifer Protection Overlay Zone in order to safeguard groundwater resources which serve as the Village's drinking water supply:

1. Establishment of any raw waste landfill, sanitary landfill, solid waste landfill ash landfill, construction and demolition debris landfill, junkyard, salvage yard, impoundment yard, or dump.
2. Establishment of any hazardous waste treatment, storage, or disposal facility.
3. Discharge, surface land application or disposal of any hazardous substance, hazardous waste, petroleum, or radioactive material.
4. Surface land application of septage, sludge, or human excreta.

5. Outdoor uncovered stockpiling or bulk storage of manure, coal, deicing chloride salts, or artificial fertilizers.
6. Storage and application of pesticides, herbicides, fungicides, and fertilizers for commercial agricultural purposes without authorization from the New York State Department of Environmental Conservation.
7. Disposal of snow containing deicing salts/chemicals removed from streets, roads, and parking areas and that has been transported from areas outside of the Aquifer Protection Overlay Zone.
8. Construction of pipelines that carry toxic or hazardous liquids.
9. Construction of on-site wastewater disposal systems (septic systems) or other wastewater treatment works.
10. Underground storage of petroleum products except for replacement of existing underground storage facilities with facilities of lesser or equal volume in accordance with Section 87.87 of this Article.
11. Underground or outdoor, above ground storage of hazardous substances, hazardous waste, pesticides, herbicides, &IHI fertilizers, and bulk storage of chemicals.
12. Outdoor, above ground storage of petroleum products, except for replacement of existing petroleum storage facilities with facilities of lesser or equal volume in accordance with Section 87.87 of this Article.
13. Mining operations from which earth materials are removed for sale, exchange, or other use except for excavation and grading operations which are conducted solely in aid of on-site construction or fanning.
14. Installation of new sewers which do not meet AWWA specifications for pressurized water pipes.

B. Tributary Watershed Protection Overlay Zone (TW)

The following uses and activities are specifically prohibited in the Tributary Watershed Protection Overlay Zone in order to safeguard groundwater resources which serve as the Village's drinking water supply:

1. Dumping of snow removed from streets, roads, and parking areas within 100 feet of streams and water courses.

2. Establishment of any raw waste landfill, sanitary landfill, solid waste landfill, ash landfill, construction and demolition debris landfill, junkyard, salvage yard, impoundment yard, or dump.
3. Establishment of any hazardous waste treatment, storage, or disposal facility.
4. Discharge, surface land application or disposal of any hazardous substance, hazardous waste, petroleum, or radioactive material.
5. Surface land application of septage, sludge, or human excreta.
6. Outdoor uncovered stockpiling or bulk storage of manure, coal, deicing chloride salts, or artificial fertilizers.
7. Storage and application of pesticides, herbicides, fungicides, and fertilizers for commercial agricultural purposes without authorization from the New York State Department of Environmental Conservation.

Section 87.87 Additional Requirements For Aquifer Protection Overlay Zone

The following requirements and standards shall be observed for proposed uses located within the Aquifer Protection Overlay Zone.

A Lot Coverage

A minimum of twenty percent (20%) of any lot shall be vegetation growing and live.

B. Stormwater Runoff

Proposed uses in the Aquifer Protection Overlay Zone must meet the following standards for stormwater runoff:

1. There shall be no more stormwater runoff into streams or storm sewers than before development.
2. The off-site impacts of erosion and sedimentation from the proposed use shall not be any greater during and following land disturbance activities under predevelopment conditions.
3. All stormwater runoff from new impervious surface areas shall be recharged to groundwater on-site using infiltration basins, pits, trenches or impoundments in accordance with the design criteria for these stormwater management techniques as described in Chapter 6 of the 2015 NYSDEC Stormwater Design Manual (as amended or replaced from time to time) for commercial/industrial parking lots which produce significant loads of grit and oil, oil/grit separators (water quality inlets) are required

to remove sediment and hydrocarbons which would clog soils and lead to failure of the infiltration structure.

4. The applicant shall prepare or have prepared a Stormwater Management and Erosion Control Plan using the outline presented in Chapter 2 and Appendix E of the NYSDEC November 2013 New York State Standards and Specifications for Erosion and Sediment Control (as amended or replaced from time to time).

C. Underground Petroleum Storage

Proposed underground petroleum storage in the Aquifer Protection Overlay Zone must meet the following standards:

General Reference: Any construction and use must meet DEC, Federal, or Village standards, whichever is more stringent.

1. New facilities for the underground storage of petroleum products are prohibited in the Aquifer Protection Overlay Zone. Replacement underground petroleum storage facilities for the sale/distribution of petroleum for vehicles are permitted if the new storage facilities are of equal or lesser capacity and are installed in accordance with the requirements of Section 87.87.C.2 and 87.87.C.3 of this Article.

Any person installing a replacement underground petroleum storage facility must apply to the Village of Liberty Code Enforcement Officer for an applicable building permit prior to commencement of installation. In addition, any person installing an underground storage facility must give at least 24 hours' notice to the Village of Liberty Code Enforcement Officer prior to commencement of excavation.

After installation of underground petroleum storage facilities, the Village Code Enforcement Officer is authorized to perform periodic inspections of facilities that store petroleum to ensure that these facilities are in compliance with the requirements and standards of this Article. The owner or the owner's designee shall grant the Code Enforcement Officer access to the site at a mutually agreeable time within seventy-two (72) hours of notice of inspection.

2. The storage of petroleum in underground tanks at a facility with a combined storage capacity of over eleven-hundred (1100) gallons shall be in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Petroleum Bulk Storage, 6NYCRR Part 613. In addition, for storage of petroleum in underground tanks at facilities with a combined storage capacity of over eleven-hundred (1100) gallons, all facilities shall be equipped with (a) double-walled piping or other form of secondary containment and a piping leak detection system; and (b) fill ports with an installed spill catchment basin to hold any leak or spill from delivery hose. Any person with knowledge of a spill, leak, or discharge of petroleum must report the incident to the Village of Liberty Code

Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

3. The underground storage of petroleum at a facility with a combined capacity of less than or equal to eleven-hundred (1100) gallons, shall be in accordance with the following requirements: (a) all new storage tank(s) must be made of fiberglass reinforced plastic, steel which is cathodically protected, or steel which is clad with fiberglass; (b) all new underground storage tank(s) must have a secondary containment system consisting of either (i) double-walled tank(s), (ii) a water-tight/product-tight vault, (iii) cut-off walls constructed of an impermeable soil barrier or synthetic membrane; or (iv) an impervious; (c) tank leak monitoring system (d) double-walled piping or other form of secondary containment and a piping leak detection system; (e) overflow prevention system (high level alarm, automatic shutoff device, etc.); and (f) fill ports with an installed spill catchment basin to hold any leak or spill from delivery hose.

4. As part of the monitoring, the owner or operator must weekly monitor for traces of petroleum and inspect monitoring systems monthly to keep them in working order. Monitoring and inspection records must be maintained on-site. In addition, daily inventory tank records must be kept on-site for each tank. Any unexplained inventory losses should be reported within 48 hours to the Village of Liberty Code Enforcement Officer. Any person with knowledge of a spill, leak, or discharge of petroleum must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

D. Aboveground Petroleum Storage

Proposed uses in the Aquifer Protection Overlay Zone must meet the following standards for aboveground petroleum storage:

1. Only outdoor, above ground storage of petroleum products for on-site consumption are allowed within the Aquifer Protection Overlay Zone. No new facilities for off-site consumption/use are permitted. Replacement of above ground petroleum storage facilities for off-site consumption/use, including the sale/distribution of petroleum for vehicles are permitted if the new storage facilities are of equal or lesser capacity and are installed in accordance with the requirements of Section 87.87.D.2 and Section 87.87.D.3 of this Article.

Any person installing a replacement aboveground petroleum storage facility for processing, manufacturing, or the sale/distribution of petroleum for vehicles must apply to the Village of Liberty Code Enforcement Officer for an applicable building permit prior to commencement of installation. In addition, any person installing an aboveground storage facility must give at least 24 hours' notice to the Village of Liberty Code Enforcement Officer prior to commencement of installation.

After installation of aboveground petroleum storage facilities, the Village Code Enforcement Officer is authorized to perform periodic inspections of facilities that store petroleum to ensure that these facilities are in compliance with the requirements and standards of this Article. The owner or the owner's designee shall grant the Code Enforcement Officer access to the site at a mutually agreeable time within seventy-two (72) hours of notice of inspection.

2. The storage of petroleum in above ground tanks at a facility with a combined storage capacity of over eleven-hundred (1100) gallons shall be in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Petroleum Bulk Storage, 6NYCRR Part 613. In addition, for storage of petroleum in above ground tanks at facilities with a combined storage capacity of over eleven-hundred (1100) gallons, all facilities shall be equipped with: (a) double-walled piping or other form of piping secondary containment and a piping leak detection system; (b) cathodic protection for any steel/iron underground piping; a dike, berm or other secondary containment structure composed of impermeable material which is designed to contain at least 110 % of the volume of the largest tank enclosed by the containment structure; (d) visual gauges to monitor fluid levels and/or high level alarms to warn of an imminent overflow; (e) spill prevention valves; (f) tank labels; and (g) security against unauthorized entry into storage areas.

Any person with knowledge of a spill, leak, or discharge of petroleum must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

3. The storage of petroleum in above ground tanks at a facility with a combined storage capacity of less than or equal to eleven-hundred (1100) gallons for processing, manufacturing, or the sale/distribution of petroleum for vehicles shall be in accordance with the following requirements: (a) tanks must be made of steel; (b) tank-bottoms which rest on or in the ground must be cathodically protected; (c) all tanks must be protected by a primer coat, and bond coat, and two or more final coats or equivalent; (d) impermeable barrier under tank bottoms (concrete pad, synthetic liner, clay, or other impermeable material); (e) leak monitoring system (electronically, or perforated gravity collection pipes or channels in concrete pad; (t) double-walled piping or other form of piping secondary containment and a piping leak detection system; (g) cathodic protection for any steel/iron underground piping; (h) a dike, berm or other secondary containment structure composed of impermeable material which is designed to contain at least 110 % of the volume of the largest tank enclosed by the containment structure; (i) visual gauges to monitor fluid levels and/or high level alarms to warn of an imminent overflow; (j) spill prevention valves; (k) tank labels; (1) security against unauthorized entry into storage areas.

The owner or operator of an aboveground storage facility must monitor daily for traces of petroleum in the leak monitoring system and inspect all aspects of the

facility at least monthly. Monitoring and inspection records must be maintained on-site. Any person with knowledge of a spill, leak, or discharge of petroleum must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

4. Indoor storage facilities for petroleum, except for on-site consumption in residences and household uses (operating lawn care equipment, recreational vehicles, etc.), shall meet all applicable local, state, and federal requirements and the following design requirements: (a) petroleum shall be stored in product-tight closed containers, containers equipped with a lid, or steel tanks; (b) all storage areas shall be equipped with a secondary containment structure built of impervious material; (c) no storage areas shall be located in proximity to floor drains; (d) storage areas shall be secured against unauthorized entry; (e) the tank or containers shall be mounted/stored on a concrete floor or pad; (f) for tanks, visual gauges installed to monitor fluid levels and/or high level alarms to warn of an imminent overfill; (g) for tanks, spill prevention valves; and (h) tank/container labels.

Any person with knowledge of a spill, leak, or discharge of petroleum must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

After site development, the Village Code Enforcement Officer is authorized to perform periodic inspections of facilities that store petroleum indoors to ensure that these facilities are in compliance with the requirements and standards of this Article. The owner or the owner's designee shall grant the Code Enforcement Officer access to the site at a mutually agreeable time within seventy-two (72) hours of notice of inspection.

5. The preferred method for storage of petroleum for on-site consumption shall be the installation of storage tanks indoors in the basement of within the building where the petroleum will be consumed. Storage areas shall meet all applicable local, state, and federal requirements. If site conditions or other constraints prevent such installation, then outdoor, aboveground storage of petroleum for on-site consumption shall be permitted provided that the following are installed: (a) steel tanks; (b) concrete pad under the tank bottom; (c) visual gauges installed to monitor fluid levels; and (d) high level alarms to warn of an imminent overfill; and (e) all storage areas shall be equipped with a secondary containment structure built of impervious material.

E. Hazardous Substance, Pesticide, Herbicide, and Fertilizer Storage

Proposed uses in the Aquifer Protection Overlay Zone must meet the following standards for hazardous substance, pesticide, herbicide, and fertilizer storage:

1. Underground or outdoor, above ground storage of hazardous substances, pesticides, herbicides, and fertilizers is prohibited.
2. Discharge, surface land application or disposal of any hazardous substance or radioactive material is prohibited.
3. Indoor storage areas for quantities of hazardous substances, pesticides, herbicides, and fertilizers that total more than two hundred fifty (250) dry weight or fifty (50) gallons liquid shall meet all applicable federal and state requirements and the following requirements and standards (storage in original, sealed containers for the purpose of resale shall be exempt from items c and d): (a) all products shall be stored in product-tight containers with a lid; (b) each container shall be clearly labeled; (c) drip pans shall be located under the spigots of drums or containers stored in a horizontal position; (d) all storage areas shall be equipped with a pad and a dike, berm or other secondary containment structure built of impervious material; (e) no storage areas shall be located adjacent to floor drains; (f) absorbent material shall be kept on hand for emergency cleanups and containments; and (g) storage areas shall be secured against unauthorized entry.
4. An accurate log or inventory of hazardous substances, pesticides, herbicides, and fertilizers on-site shall be maintained.
5. Any person with knowledge of a spill, leak, or discharge must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.
6. After site development, the Village Code Enforcement Officer is authorized to perform periodic inspections of facilities that store hazardous substances indoors to ensure that these facilities are in compliance with the requirements and standards of this Article. The owner or the owner's designee shall grant the Code Enforcement Officer access to the site at a mutually agreeable time within seventy-two (72) hours of notice of inspection.

F. Floor Drains

1. All floor drains for a proposed use within the Aquifer Protection Overlay Zone shall be connected to an oil and grit separating tank that is connected to the municipal sewer system. Floor drains which are connected to the sanitary sewer must meet discharge limits and permit requirements established by the Wastewater Treatment Plant Discharge of floor drains to the ground surface, subsurface, or water courses is prohibited.

G. Hazardous Waste Storage and Disposal

Proposed uses in the Aquifer Protection Overlay Zone must meet the following standards for temporary storage and proper disposal of hazardous waste:

1. Underground or outdoor, above ground storage of hazardous waste is prohibited.
2. Discharge, surface land application or disposal or any hazardous waste is prohibited.
3. Establishment of any hazardous waste treatment, storage, or disposal facility is prohibited.
4. The owner or applicant of a facility generating hazardous waste shall demonstrate the availability and feasibility of temporary indoor storage methods which are in accordance with all applicable local, state, federal laws, and the requirements of this Article for hazardous waste to be produced in quantities greater than those associated with normal household or agricultural use.
5. Generators of hazardous waste may only accumulate hazardous waste for a period of 90 days or less.
6. The owner or applicant shall demonstrate that wastes will be properly handled and stored until disposed of at a licensed hazardous waste treatment, storage, or disposal facility by a licensed waste hauler.
7. Temporarily accumulated hazardous waste will be in accordance with all applicable local, state, federal regulations and the following standards: (a) all wastes stored in product-tight containers with a lid; (b) each container shall be clearly labeled with the waste product and the date of generation; (c) drip pans shall be located under the spigots of drums or containers stored in a horizontal position; (d) all storage areas shall be equipped with a pad and a dike, beam or other secondary containment structure built of impervious material; (e) no storage areas shall be located adjacent to floor drains; (f) absorbent material shall be kept on hand for emergency cleanups and containments; and (g) storage areas shall be secured against unauthorized entry.
8. An accurate log or inventory of hazardous wastes stored on-site shall be maintained, including a description of the waste contained in container, the date of waste generation, the date of removal by a licensed waste hauler, and the name and address of the licensed waste hauler.

9. Any person with knowledge of a spill, leak or discharge must report the incident to the Village of Liberty Code Enforcement Officer and to the New York State Department of Environmental Conservation within two hours of discovery.

10. After site development, the Village Code Enforcement Officer is authorized to perform periodic inspections of facilities that generate and temporarily store hazardous waste indoors to ensure that these facilities are in compliance with the requirements and standards of this Article and do not pose a threat to the water supply. The owner or the owner's designee shall grant the Code Enforcement Officer access to the site at a mutually agreeable time within seventy-two (72) hours of notice of inspection.

7. This Local Law shall take effect immediately upon its filing with the New York Department of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the (County)(City)(Town)(Village) of Liberty as duly passed by the Village Board (Name of Legislative Body) on _____, 2024, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the _____ the _____ (County)(City)(Town)(Village) of _____ of _____ was _____ duly _____ passed _____ by _____ the _____ (Name of Legislative Body) on _____, 2024, and was (approved)(not disapproved)(repassed _____ after _____ disapproval) _____ by _____ the _____ (Elective Chief Executive Officer*) and was deemed duly adopted _____ on _____, 2024, in accordance with the applicable provisions of law.~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the _____ (County)(City)(Town)(Village) _____ of _____~~

was _____ duly _____ passed _____ by _____ the

(Name of Legislative Body) _____ on
, 2024, and was (approved)(not disapproved)(repassed after disapproval) by the
(Elective Chief Executive Officer*) on _____, 2024. Such local law
was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the
affirmative vote of a majority of the qualified electors voting thereon at the
(general)(special)(annual) _____ election _____ held _____ on
, 2024, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of
the _____ (County)(City)(Town)(Village) _____ of
was _____ duly _____ passed _____ by _____ the

(Name of Legislative Body) on _____
2024, and was (approved)(not approved)(repassed after disapproval) by the
(Elective Chief Executive Officer*) _____ on
, 2024. Such local law was subject to permissive referendum and no valid petition requesting such
referendum was filed as of _____, 2024, in accordance with the
applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor or a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revisions proposed by petition.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2024 of the
City of _____ having been
submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule
Law, and having received the affirmative vote of the majority of the qualified electors of such city
voting thereon at the (special)(general) _____ election _____ held _____ on
, 2024, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____
of 2024 of the County of _____, State of New York, having
been submitted to the electors at the General Election of November _____, 2024,
pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received
the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of
a majority of the qualified electors of the towns of said county considered as a unit voting at said
general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Judy H Zurawski
Clerk of the Village
Date: 7/18/24

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

**STATE OF NEW YORK
COUNTY OF SULLIVAN**

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all property proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
SIGNATURE
Title: Attorney for the Village
County: _____
City: _____
Town: _____
Village: Liberty
Date: 7/18/24