

Part 7, 7-5 Agricultural Fairgrounds

Includes Amendments Effective June 21, 2006

(Statutory Authority: Public Health Law Section 225)

Section

- 7-5.1 Definitions
- 7-5.2 Application
- 7-5.3 Permit for operation, inspections, access
- 7-5.4 Owner responsibilities and reporting requirements
- 7-5.5 Enforcement
- 7-5.6 Variances and waivers
- 7-5.7 Notice of construction, enlargement, development, improvement or conversion required; prior approval
- 7-5.8 Campgrounds/campsites
- 7-5.9 Overnight transient occupancy
- 7-5.10 Surface drainage
- 7-5.11 Food service
- 7-5.12 Water supply
- 7-5.13 Sewage treatment/collection
- 7-5.14 Toilets, lavatories and utility sinks
- 7-5.15 Refuse, animal waste, storage and disposal

General Provisions

7-5.1 Definitions.

- (a) Adequate means sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this Subpart.
- (b) Agricultural fairground means a property where a fair has been conducted, or is proposed to be conducted, in 2001 or any subsequent year by an agricultural society and/or other entities eligible in 2001, or any subsequent year, to receive premium reimbursement pursuant to Section 286 of the Agriculture and Markets Law, including the parcel or tract of land, buildings or other structures, campsites, and food service establishments, temporary or permanent, pertaining thereto.
- (c) Agricultural fairground water system means a water system at an agricultural fairground which provides piped water to the public for potable purposes. Such a system may include collection, treatment, storage and/or distribution facilities under the control of the agricultural fairground owner.
- (d) Animal waste means any waste product discharged by an animal, including fecal material, urine, other bodily fluid and any wash water, discarded milk, hay, straw, feed

and bedding material that has been in contact with or contaminated by such waste product.

- (e) Campground means any parcel or tract of land at an agricultural fairground, including buildings or other structures under the control of any person, where five or more campsites are available for temporary overnight occupancy.
- (f) Campsite means a portion of an agricultural fairground, with or without connections to water supply, electrical service or sewage systems, used by one camping unit.
- (g) Non-public agricultural fairground water system means an agricultural fairground water system that does not receive water from an off-site public water system.
- (h) Permit-issuing official means the State Health Commissioner, the health commissioner or health officer of a city of 50,000 population or more, the health commissioner or health officer of a county or part-county health district, or the State district director having jurisdiction, or any county or public health director having all the powers and duties prescribed in Section 352 of the Public Health Law.
- (i) Person means an individual, group of individuals, partnership, firm, corporation, association, political subdivision, governmental agency, municipality, industry, estate or any other legal entity.
- (j) Potable water means water used for human consumption, food preparation, or handwashing, culinary, bathing or laundry purposes.
- (k) Refuse means all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.
- (l) Sewage means excreta and the waste from a toilet, privy, bath, shower, sink, lavatory, dishwashing or laundry machine.
- (m) Uniform Code means the State Uniform Fire Prevention and Building Code, 9 NYCRR Volume B, Subtitle S, Chapter 1.
- (n) Water treatment plant shall mean any plant or equipment which, through the addition of chemicals or through aeration, ion exchange, demineralization, coagulation, sedimentation or filtration, or through any other means or combinations of treatment, shall change the physical, chemical, radiological or microbiological quality of water.
- (o) Camping cabin means a hard sided tent or shelter less than 400 square feet in area which is on skids or otherwise designed to be readily moveable and which does not have cooking facilities, sinks, showers, laundry or toilet facilities.
- (p) Camping unit means a tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed or used for temporary human occupancy.
- (q) Recreational vehicle means a vehicular camping unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck campers.
- (r) Scavenger equipment means a combination of a portable holding tank, pumping or other waste transfer method, and water tight hose connections, whereby a water tight seal can be made between the sewer connection of a recreational vehicle and a portable holding tank to empty the contents of the recreational vehicle sewage holding tank for transport to an approved sewage disposal system.

7-5.2 Application

The requirements of this Subpart shall apply to all activities and uses at an agricultural fairground and any action by the holder of a permit to operate an agricultural fairground that

impacts the agricultural fairground; provided, however, that the requirements of this Subpart shall not apply to an agricultural fairground for which the Commissioner has determined that compliance with these requirements is not necessary to protect public health. In making such determination, the Commissioner shall consider at least the following factors: the nature of the activities at the fairground, the duration of the activities at the fairground, the use of the water system at the fairground, the presence of animals at the fairground, fairground animal waste handling practices, and the extent to which the fairground is subject to the regulations of other governmental agencies.

7-5.3 Permit for operation, inspections, access

- (a) The operation of an agricultural fairground without a permit is prohibited unless the Commissioner has determined, pursuant to Section 7-5.2, that compliance with the requirements of this Subpart is not necessary to protect public health.
- (b) Application for permit. An application for a permit to operate an agricultural fairground shall be submitted by a person who owns an agricultural fairground to the permit-issuing official at least 30 days before initial operation or the expiration of an existing permit.
- (c) An application for a permit to operate an agricultural fairground may be denied when the applicant has previously failed to comply with one or more requirements of this Subpart, the agricultural fairground is a potential source of danger to the general public or persons at the agricultural fairground, or the agricultural fairground does not comply with one or more requirements of this Subpart.
- (d) A permit to operate an agricultural fairground shall be issued for a period of not more than one year from the date of issue. A conditional permit may be issued in recognition of partial use of the fairground facility. A permit shall not be transferable or assignable and shall expire upon a change of the owner of the agricultural fairground, upon the date stipulated by the permit-issuing official or upon its revocation.
- (e) Revocation, suspension. A permit to operate an agricultural fairground may be revoked or suspended by the permit-issuing official or the State Commissioner of Health if the agricultural fairground for which the permit was issued is found to have been maintained, operated or occupied in violation of the Public Health Law, the State Sanitary Code, or the sanitary code of the health department having jurisdiction over the agricultural fairground. A permit may be revoked upon request of the permittee or upon abandonment of operation.
- (f) Any permit-issuing official, and his or her designees, shall be allowed entry at any reasonable time to inspect any property operated or believed to be operated as an agricultural fairground.
- (g) A separate permit for a food service establishment, temporary residence or campground operating within the agricultural fairground shall not be required unless such food service establishment, temporary residence or campground is operated by a person other than the owner of the agricultural fairground.
- (h) A permit to operate an agricultural fairground shall be posted in a conspicuous place on the premises.

7-5.4 Owner responsibilities and reporting requirements

- (a) Each owner of an agricultural fairground must submit a report assessing all water sources at their respective fairgrounds. This report shall be prepared by a New York State licensed professional engineer, and must be submitted to the permit-issuing official at least 60 days before any event. This report is not required if the owner of the agricultural

fairground can demonstrate that other documentation has been submitted to the permit-issuing official that adequately addresses the required components of the report, as specified in this Section. This report shall address all drinking water sources for agricultural fairgrounds served by a non-public fairground water system and address all on-site water sources for those served by an off-site public water system. It shall include a sanitary survey and historical data and information on source development and quality; distribution system operations, including an assessment of actual and possible cross-connections; wastewater disposal; and solid and animal waste storage, handling and disposal practices, and certifying that any non-potable water supply is adequately separated from the potable water supply and conspicuously labeled as a non-potable water supply. Such report shall identify the location of all on-site structures and buildings, sources of on-site water (potable or non-potable), water distribution systems, wastewater treatment facilities, and solid and animal waste storage and handling facilities, and shall adequately characterize the hydrogeology of the fairground. Such report shall also evaluate the fairground infrastructure's compliance with this Subpart and identify each aspect on noncompliance and preferred options for compliance.

- (b) The owner of an agricultural fairground shall designate an individual to be in charge of the fairground property and to maintain the fairground facilities. Such individual shall be on or available to promptly be on the fairground property at all times when the agricultural fairground is occupied or open for occupancy. The telephone number or other method for summoning this individual shall be posted conspicuously in an area readily accessible by the agricultural fairground occupants.
 - (1) The agricultural fairground owner or the owner's designee shall successfully complete an adequate course of instruction with a curriculum including, but not limited to, the operation and/or oversight of agricultural fairground water supplies, sewage disposal, animal waste handling, and food service establishments.
- (c) The agricultural fairground owner shall be responsible for operation and maintenance of the fairground infrastructure, including the water supply, sewage disposal, animal waste, toilet and handwashing facilities, in accordance with the requirements of this Subpart.
- (d) The agricultural fairground owner must provide a written schedule and description of events for each calendar year to the permit-issuing official at least 30 days prior to the first scheduled event for the year. The schedule may be revised as necessary and the permit-issuing official shall be notified prior to any additional or rescheduled events.
- (e) The agricultural fairground owner must require that all food service, campground or temporary residence facilities not operated by the agricultural fairground owner possess a valid permit as required by this Title.
- (f) The agricultural fairground owner shall report the following to the permit-issuing official as soon as possible, and no later than 24 hours from the date of the occurrence or date the operator should reasonably have known of the occurrence.
 - (1) any public health hazard specified in section 7-5.5(b) of this Subpart or any illness suspected to be associated with such hazard; or
 - (2) any illness suspected to have resulted from consumption of food from a food service establishment at the agricultural fairground.

7-5.5 Enforcement

- (a) Permits and placarding.
 - (1) A permit-issuing official may order any agricultural fairground operating without a permit to close and remain closed until a valid permit for operation of the agricultural fairground is obtained.

- (2) The enforcement procedures delineated in Sections 12, 12-a, 12-b, 16, 206, 225, 229, 308, 309, 1303-1305, and/or 1308 of the Public Health Law shall be used. When a public health hazard is found, that portion of the agricultural fairground where the hazard is located may be placarded to prohibit its use until the hazard is eliminated. When a placard is used, it shall be conspicuously posted at each entrance or walkway leading to the portion of the property where the hazard exists. Concealment, mutilation, alteration or removal of this placard without permission of the permit-issuing official is prohibited. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration or removal of it by any person without the permission of the permit-issuing official shall constitute a violation of this Subpart and the Public Health Law.
 - (3) As soon as possible, and in any event within 15 days after placarding an agricultural fairground or portion thereof, the permit-issuing official shall provide the owner an opportunity to be heard and present evidence that the continued operation of the agricultural fairground or placarded portion thereof does not constitute a danger to the health or safety of the public. The hearing shall be conducted by the permit-issuing official or his or her designated hearing officer.
- (b) Public health hazards.
 - (1) A public health hazard is any condition which can be reasonably expected to be responsible for or cause illness, physical injury or death. Any of the following conditions are public health hazards which require the permit-issuing official or his or her designated representative to order immediate correction or to immediately commence an enforcement action as provided by the Public Health Law and/or this Subpart:
 - (i) the potable water serving the agricultural fairground contains one or more contaminants in excess of one or more maximum levels prescribed in applicable sections of Part 5 of this Title and/or Section 7-5.12(g) of this Subpart;
 - (ii) use of an unapproved or contaminated water supply source;
 - (iii) insufficient quantity of water to meet drinking or sanitary demands;
 - (iv) hazardous or toxic chemical contamination of the potable water supply;
 - (v) disinfection of the potable water supply which is inadequate to destroy harmful microorganisms or to maintain a specified chlorine residual;
 - (vi) the presence of cross-connections or other faults in the agricultural fairground's water distribution or plumbing system which results, or may result, in the contamination of the potable water supply;
 - (vii) the presence or storage at the agricultural fairground of animal waste which results, or may result, in contamination of a water supply;
 - (viii) inadequately treated sewage discharging on the ground surface in location accessible to agricultural fairground occupants which results, or may result in contamination of a water supply;
 - (ix) if food service is provided by the agricultural fairground owner, the presence of any public health hazard identified in section 14-1.10(b) or (c) of this Title;
 - (x) the condition of the electric service, wiring or electrical system components in the camping area is such that an imminent fire or shock hazard exists; and
 - (xi) any other condition determined by the permit-issuing official to be a public health hazard.

7-5.6 Variances and waivers

- (a) A variance shall mean permission for an agricultural fairground owner to delay implementation of one or more provisions of this Subpart. In order to obtain sufficient time to comply with a provision of this Subpart, an agricultural fairground owner may submit a written request to the permit-issuing official for a variance. A request for a variance will be granted only if the owner demonstrates that the health and safety of the public will not be prejudiced by the variance, and that immediate compliance with the provision in question would create practical difficulty or hardship. An owner must comply with all of the terms of a variance, and comply with the requirements of this Subpart by the date specified in the variance.
- (b) A waiver shall permit the use of alternative arrangements that do not satisfy one or more requirements of this Subpart, but nonetheless protect the health and safety of the agricultural fairground occupants and the public. To obtain a waiver from one or more requirements of this Subpart, an agricultural fairground owner must submit a written request to the permit-issuing official for a waiver from each such requirement; provided, however, that no waiver from the requirement that the agricultural fairground's on-site water supply be disinfected may be granted. Such request must explain how the alternate arrangements will provide adequate protection of the health and safety of the fairground occupants and public. The permit-issuing official shall obtain the approval of the State Department of Health prior to granting or denying a request for a waiver. An owner must comply with all of the terms of a waiver. A waiver will remain in effect indefinitely unless revoked by the permit-issuing official after a determination that continuation of the waiver would jeopardize public health or a person other than the recipient of the waiver commences ownership of the fairground.

7-5.7 Notice of construction, enlargement, development, improvement or conversion required; prior approval

- (a) Prior to construction of structures for overnight occupancy, a campground or campsites, food service, water and sewage facilities, including alterations, enlargements, conversions, or relocation of such structures, campsites, or facilities, the owner shall submit written notice of intent to the permit-issuing official at least 30 days prior to the commencement of work. The notice shall contain the name of the city, village, or town in which the property is located, the street address of the development, improvement, or conversion, and the name, mailing address, and telephone number of the person giving the notice.
- (b) Upon review of the notice submitted in accordance with Subdivision (a) of this Section and to determine whether the proposed construction, enlargement, development, improvement or conversion will be consistent with the requirements of this Subpart, the permit-issuing official may require the submission of plans and specifications for review and approval. No such work shall commence until all required plans and specifications have been approved by the permit-issuing official.

7-5.8 Campgrounds and campsites

- (a) Campsite space requirements. A campsite shall meet the space requirements specified in either paragraph 1, 2, or 3 below as applicable. An agricultural fairground owner may select one or more of these options when establishing campsite sizes within the agricultural fairground.
 - (1) The minimum area per site for campsites that existed prior to March 7, 2001 shall be either: 1,500 square feet; or, in compliance with paragraph (2) or (3) of this section.

- (2) New campsites constructed and existing campsites modified after March 7, 2001 shall be a minimum of 1,250 square feet. These campsites shall be large enough to allow at least a five foot clearance between the boundaries of the campsite and the exterior surfaces of the camping unit placed on it as well as any add-on structures or appurtenances attached to it, so as to provide for a 10 foot separation distance between camping units on adjacent campsites.
- (3) The minimum area per site may be less than the requirements specified in 7-5.8(a)(1) and (2) when:
 - (i) a separation distance of 10 feet or greater is maintained between camping units including any add-on structures or appurtenances attached to the camping unit; or
 - (ii) a separation distance of at least 5 feet is maintained between camping units including any add-on structures or appurtenances attached to the camping units; and
 - (a) Charcoal grills, gas grills or other open flame cooking devices cannot be used within 10 feet of any camping unit.
 - (b) Bonfires or recreational fires are prohibited on campsites. Such fires cannot be conducted within 25 feet of any camping unit.
 - (c) Adequate fire extinguishers or other extinguishing equipment shall be readily available to all camping areas. Fire extinguishers, where used, shall be installed and maintained in accordance with the recommendations of the equipment manufacturer and generally accepted standards.
 - (d) Fire apparatus access roads shall be provided within 300 feet of each camping unit and shall have an unobstructed width of no less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- (b) Electrical.
 - (1) Installation of electrical service, wiring, and fixtures shall conform to the Uniform Code. A certificate of approval provided by a qualified electrical inspector shall be submitted for all new electrical work.
 - (2) The electrical service, wiring and fixtures shall be in good repair and safe condition. Where conditions indicate a need for inspection, the electrical service and wiring shall be inspected by a qualified electrical inspector, and a copy of the inspection report and certificate of approval shall be submitted to the permit-issuing official.

7-5.9 Overnight transient occupancy

Structures at an agricultural fairground not meeting the definition of a camping unit which are available for overnight transient occupancy shall meet the requirements of Subpart 7-1 of this Title.

7-5.10 Surface drainage

An agricultural fairground owner shall ensure that an agricultural fairground is maintained so that adequate surface drainage is provided during its operation.

7-5.11 Food service

All food service operations shall comply with the requirements of Part 14 of this Title.

7-5.12 Water supply

- (a) An agricultural fairground served by an off-site public water system (as defined in Subpart 5-1 of this Title) must comply with the requirements of Subdivisions (d)(1), (d)(3), (d)(4), (d)(5), (d)(6)(i, iii, and iv), (d)(7), (e), (f), (g) (excluding source water and nitrate/nitrite monitoring), (h), (i), (j)(2), (k), (l) and (m) of this Section.
- (b) An agricultural fairground served by a non-public agricultural fairground water system must comply with those requirements of Subpart 5-1 of this Title that apply to non-community water systems and Subdivisions (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(6), (d)(7), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this Section. The agricultural fairground owner shall ensure that the agricultural fairground's water supply complies with all applicable requirements.
- (c) Source water.
 - (1) The only permissible water sources shall be those taken from a ground water aquifer (ground water source) and developed in accordance with Subdivision (d)(3) of this Section; provided, however, an admixture of ground water and surface water or water exposed to the ground surface is not permitted. Shallow well points and dug wells are prohibited.
- (d) Planning, siting, treatment and approval.
 - (1) Siting - Before an agricultural fairground owner initiates construction of a new agricultural fairground water system, the owner shall notify the permit-issuing official and, to the extent practicable, given the topography of the fairground and generally accepted engineering practice, avoid locating part or all of the agricultural fairground water system at a site which:
 - (i) is subject to a significant risk from earthquake, fire or any other potentially catastrophic event; or
 - (ii) is within the floodplain of a 100-year flood or is lower than any recorded high tide in the vicinity of the agricultural fairground.
 - (2) A non-public agricultural fairground water system shall be designed, constructed, located and protected from existing or potential sources of contamination in a manner approved by the permit-issuing official. All nonpublic agricultural fairground water sources shall be located upgradient of potential sources of contamination and the minimum separation distances between any potential source of contamination and a potable water source shall be as follows:

Potential Contamination Source	Minimum Distance from Potable Water Source (in feet)
Waste Water Treatment System Absorption Field	100 ¹
Seepage Pit	150 ¹
Barnyard, Silo, Barn, Gutter, Animal Pen; including any animal waste storage and handling area	100

- ¹ When sewage treatment systems are located in coarse gravel, the closest part of the treatment system shall be at least 200 feet away from the well.
 - (3) Approval of plans and completed works.
 - (i) No agricultural fairground owner shall make, install or construct, or allow to be made, installed or constructed, an agricultural fairground water system or any addition or deletion to or modification of an agricultural fairground water system until the plans and specifications for such system,

or any addition or deletion or modification of such system, have been submitted to and approved by the permit-issuing official.

- (ii) Recommended Standards for Water Works, (See Appendix 5-A, infra) 1997 edition, published by Health Research Inc., P.O. Box 7126, Albany, NY 12224 available for public inspection at the offices of the records access officer of the New York State Department of Health, Empire State Plaza, Corning Tower, Albany, NY 12237, shall, in their entirety, be the basis on which all plans and specifications for agricultural fairground water systems will be reviewed and approved. The department may allow deviations from these standards in accordance with procedures and criteria established by the Commissioner.
 - (iii) The permit-issuing official may approve such plans or require such modification as is necessary to protect public health or safety. Application for plan approval shall be made on a form prescribed by the permit-issuing official.
 - (iv) An agricultural fairground owner shall receive written approval from the permit-issuing official before placing into service any agricultural fairground water system made, installed, constructed, expanded, reduced or modified pursuant to this section.
- (4) Reporting emergencies - interruptions, changes in sources or treatment. The agricultural fairground owner shall report, or ensure that a person acting on his or her behalf reports, any incident or condition which affects, or may affect, the quantity or quality of the agricultural fairground water supply to the permit-issuing official as soon as possible but in any event no later than 24 hours from the occurrence. There shall be no change made to the source, or method of treatment, of the potable water supply, either temporary or permanent, without first receiving written approval from the permit-issuing official. An adequate supply of potable water must be provided and maintained during all times of agricultural fairground operation.
 - (5) Adequacy of distribution system. The agricultural fairground owner shall ensure that the agricultural fairground water system is maintained and operated to assure a minimum working pressure of 20 pounds per square inch at ground level at all points in the distribution system. Measurements of pressure shall be obtained from representative points of use.
 - (6) Providing treatment for agricultural fairground water systems. The agricultural fairground owner shall provide such treatment as necessary to deliver to the consumer a water conforming to the requirements of this section.
 - (i) Every agricultural fairground water distribution system shall have the capability to provide disinfection for the purpose of annual start-up and/or booster chlorination.
 - (ii) Minimum treatment for a ground water source shall be disinfection by chlorination in a manner which is adequate to destroy harmful microorganisms and approved in writing by the permit-issuing official. Other disinfection methods the State Commissioner of Health has determined in writing to be of comparable effectiveness shall be permitted.
 - (iii) The free chlorine residual disinfection concentration in the water entering the distribution system cannot be less than 0.2 milligrams per liter (mg/l) for more than four hours.
 - (iv) Any on-site disinfection system must have redundant components to ensure continuous disinfection. Auxiliary power with automatic start and alarm is required at all disinfection facilities where a power outage would

result in a loss or reduction in the ability of the system to maintain a disinfection concentration as required by this Subpart.

- (7) Campgrounds water supply.
 - (i) Potable water shall be readily available, easily accessible and in a quantity capable of providing at least 55 gallons per day per campsite, which includes water use for toilets, hand washing, showers and individual campsite food preparation and clean-up.
 - (ii) Potable water shall be provided within 250 feet of all campsites. One water spigot with a soakage pit or other disposal facilities shall be provided for each 10 campsites not provided with individual spigots on the campsites.
- (e) Annual start-up. The agricultural fairground owner must ensure and confirm in writing to the permit-issuing official that the following actions have been taken with respect to the agricultural fairground water system, 15 days prior to the opening of the first event for which the water supply is utilized each year:
 - (1) All water mains that are not subject to continuous water use shall be adequately flushed and coliform samples shall be collected in accordance with Subdivision (g)(1) of this Section.
 - (2) All water mains that are not subject to continuous water use shall be disinfected by:
 - (i) completely filling the main to remove all air pockets, flushing the main to remove particulates, and filling the main with potable water. The potable water shall then be chlorinated by feeding liquid hypochlorite at a constant rate such that the water will not have less than a 25 mg/l free chlorine residual throughout the agricultural fairground water system. After a 24-hour holding period there must be a free chlorine residual of not less than 10 mg/l throughout the agricultural fairground water system; or
 - (ii) using a disinfection method the State Commissioner of Health has determined in writing to be of comparable effectiveness.
 - (3) Free chlorine residual disinfection concentrations shall be measured for the two days immediately following the completion of the main disinfection, as prescribed in Subdivision (e)(2) of this Section, at representative points in the distribution system, to ensure chlorine residuals of not less than 0.2 mg/l.
 - (4) All existing distribution systems shall be surveyed to ensure there are no physical connections between the potable water supply and any non-potable water supply, and any non-potable water supply shall be conspicuously labeled as a non-potable supply.
 - (5) Any connection to the potable water supply without an air gap shall have at a minimum an anti-siphon valve or vacuum breaker or additional protection sufficient to address the degree of hazard.
- (f) Prior to individual event start-up. The agricultural fairground owner must ensure, and confirm in writing, in a monthly operation report to the permit-issuing official, that the following actions have been taken with respect to the agricultural fairground water system:
 - (1) All portions of an agricultural fairground water system that are not subject to year-round water use shall maintain a minimum of a .2 mg/l free chlorine residual at representative points throughout the distribution system for at least the two days prior to the opening of each event at the agricultural fairground.
 - (2) Additional flushing may be required at the discretion of the permit-issuing official when he or she has reason to believe that the chlorine residual has diminished, and the potential exists for a Total Coliform and/or E.coli violation as

set forth in Subdivision (g)(1) of this Section or a contaminant may present a risk to public health.

- (g) Maximum Contaminant Levels (MCLs) and monitoring frequency.
 - (1) The agricultural fairground owner must monitor the agricultural fairground water system and ensure its compliance with the MCLs as set forth below:

Nitrate, Nitrite, Total Nitrate and Nitrite, and Microbiological Maximum Contaminant Levels and Monitoring Requirements		
Contaminant	MCL	Monitoring Requirements Ground Water
Nitrate	10 mg/l (as Nitrogen)	One sample per entry point per year (non-public agricultural fairground water system only)
Nitrite	1 mg/l (as Nitrogen)	One sample per entry point (non-public agricultural fairground water system only)
Total Nitrate and Nitrite	10 mg/l (as Nitrogen)	Separate samples not required. Total of above samples. (non-public agricultural fairground water system only)
Total Coliform	Any positive sample	<p>Non-public Agricultural Fairground Water System</p> <p>Prior to first event of the season:</p> <ul style="list-style-type: none"> ▪ At all sources and at representative points in the distribution system.¹ <p>During each fairground's operating year, monthly:</p> <ul style="list-style-type: none"> ▪ At representative points in the distribution system. <p>During the County Fair held at the fairground, daily (except for the last 2 days of the event):</p> <ul style="list-style-type: none"> ▪ At representative points in the distribution system. <p>Off-site Public Water System</p> <p>Prior to first event of the season:</p> <ul style="list-style-type: none"> ▪ At representative points in the distribution system.¹
<i>Escherichia coli</i> (<i>E.coli</i>)	Any positive sample	Any routine total coliform sample or repeat total coliform sample that is coliform positive must be analyzed for <i>Escherichia coli</i> (<i>E.coli</i>)
Total Trihalomethanes (TTHM)	0.1 mg/l	Permit-issuing official's discretion ²

Agricultural fairground water system type	Required minimum operator grade ¹
Agricultural fairground water system with on-site groundwater treatment (i.e. filtration and disinfection)	IIB
Agricultural fairground water system with on-site disinfection	C
Purchases water from a public water system as defined in Subpart 5-1.1 (at) of this Title-	D

- ¹Requirements as set forth in Subpart 5-4 of this Title.
 - (i) The person or persons in charge of the operation of such agricultural fairground water system shall be certified in accordance with the requirements for the certification of community and non-transient noncommunity water system operators as prescribed in Subpart 5-4 of this Title.
 - (ii) An agricultural fairground owner shall keep complete daily records of an agricultural fairground water system when in operation, on forms provided or approved by the department. Copies of such records shall be sent to the permit-issuing official by the 10th calendar day subsequent to each month of operation. These records shall include the results of all tests, measurements or analyses required to be made by this Subpart or requested or ordered by the permit-issuing official.
- (l) Bulk and bottled water supplies.
 - (1) Bulk water shall not be used at an agricultural fairground for consumptive or culinary purposes unless such use is expressly permitted by the permit-issuing official. Bulk water supplies, if permitted, shall contain a minimum free chlorine residual of 0.5 mg/l, and shall be secured, transported and transferred by a certified bulk water hauler in accordance with Subpart 5-6 of this Title.
 - (2) Neither the owner of an agricultural fairground, nor any operator of a food service establishment at an agricultural fairground, shall sell, offer for sale or deliver bottled water for human consumption, food preparation or culinary purposes unless the bottled water is certified by the Commissioner of Health in accordance with Subpart 5-6 of this Title.
- (m) Drinking fountains at an agricultural fairground shall be of adequate sanitary design and construction.

7-5.13 Sewage treatment/collection

An agricultural fairground owner shall provide and maintain facilities for the adequate disposal or adequate treatment and disposal of sewage at an agricultural fairground, and ensure that such facilities meet the following requirements:

- (a) Submission of plans. A plan for a proposed new or modified sewage collection and/or treatment facility shall be submitted to the permit-issuing official at least 30 days prior to beginning construction of such facility.
- (b) Plan approval and construction. A permit or written approval for the sewage collection and/or treatment system plan(s) shall be obtained from the permit-issuing official and/or the New York State Department of Environmental Conservation. No construction of a new or modified sewage treatment facility shall be commenced until all required permits and/or written approvals have been received by the applicant. Construction shall be in accordance with the approved plans.

- (c) The presence of inadequately treated sewage on the surface of the ground is prohibited.
- (d) Privies and portable chemical toilets shall be so located, constructed and maintained that they will not contaminate a water supply, surface water, adjacent ground surface, or permit access of flies or rodents. The contents shall be emptied and/or adequately treated as necessary to prevent discharge to the surface of the ground or to any area readily accessible to patrons.
- (e) At least one sanitary dumping station for each 100 campsites or less, or an acceptable operator-run scavenger service for routine collection of sewage from recreational vehicles must be provided. Information regarding the scavenger equipment and collection schedule shall be submitted to the permit-issuing official for review and approval. Sites with individual sewer connections shall not be counted when determining the required number of sanitary dumping stations. Sanitary dump stations shall not be required at campgrounds for tent use only.

7-5.14 Toilets and lavatories

- (a) The agricultural fairground owner shall ensure that toilets and lavatories comply with the following requirements:
 - (1) adequate toilet and handwash facilities shall be provided; and
 - (2) adequate handwash facilities shall be located at any petting zoo and within 100 feet of all areas where the general public is allowed to come in contact with animals. These facilities shall be constructed of easily cleanable materials, and maintained in a sanitary condition and in good repair and adequate signs shall be conspicuously posted indicating the location of handwash facilities.
 - (3) at campgrounds, a minimum of four toilets, two per sex, shall be provided within 500 feet of each campsite.
 - (i) for every two toilets, one handwash facility shall be provided. Handwash facilities shall be located in close proximity to the toilets.

7-5.15 Refuse and animal waste, storage and disposal

- (a) The agricultural fairground owner shall ensure that facilities are provided and maintained for the temporary storage and handling of refuse and animal waste to prevent insect and rodent infestations and contamination of potable water, streams, lakes or other water courses.
- (b) The agricultural fairground owner shall develop and update annually a written plan describing the procedures for temporary storage and handling of refuse and animal waste. The plan must be submitted to the permit-issuing official for approval. The permit-issuing official shall approve the plan after a determination that the plan is consistent with the requirements and objectives of this Subpart.