

Schuyler County Local Law No. 3 of the Year 1994

Watershed Protection Law

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Resolution No. 218
SCHUYLER COUNTY LEGISLATURE

Regular Meeting
May 9, 1994

Intro. No. 35
Approved by Committee BJH
Approved by Co. Atty. JPC

Motion by Karius
Seconded by Fitzsimmons
Vote: 8 Ayes to 0 Noes
Name of Noes _____

RE: LOCAL LAW NO. 3 OF THE YEAR 1994 ENTITLED "SCHUYLER COUNTY WATERSHED PROTECTION LAW"

WHEREAS, a proposed Local Law providing for uniform Watershed protection standards throughout Schuyler County was heretofore introduced and appropriate notice established in the official newspaper regarding a public hearing to be held on May 9, 1994 considering its adoption, and

WHEREAS, said public hearing was duly held, at which time all interested persons were heard, and this Legislature has duly considered the adoption and passage of said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that said Local Law, a true copy of which is annexed hereto, be and hereby is, passed, adopted and enacted, and

BE IT FUTHER RESOLVED, that the Clerk of this Legislature duly cause the publication of the passage, enactment and adoption of Local Law No. 3 of the year 1994, together with the full text thereof in the official county newspaper as required by law.

COUNTY OF SCHUYLER
LOCAL LAW NO. 3 OF THE YEAR 1994

A local law replacing Local Law No. 3 of the year 1975 known as the Schuyler County Watershed Law and pertaining to rules and regulations applying to the lands within the County of Schuyler, New York.

Pursuant to the authority vested in the Schuyler County Legislature, Local Law No. 3 of the year 1975 known as the Schuyler County Watershed Law is hereby REPEALED in its entirety and replaced by the Schuyler County Watershed Protection Law, to read as follows:

ARTICLE I

Definitions and General Provisions

Section A. **TITLE**

1. The rules and regulations herein contained shall constitute, comprise and be known as the Watershed Protection Law of Schuyler County, New York.

Section B. **SEPARABILITY CLAUSE**

1. If any section, paragraph, subdivision or provision of this law shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section C. **APPLICABILITY; LEGAL AFFECT**

1. The provisions of the Watershed Protection Law shall be in force throughout the County of Schuyler unless similar standards meeting minimum requirements established by New York State are adopted and strictly enforced by any Town or Village in Schuyler County.
2. The Watershed Protection law shall be supplemental to the Public Health Law, the New York State Sanitary Code, the New York State Uniform Building and Fire Prevention Code, the New York State Environmental Conservation Law, Penal Law and other New York State Laws relating to public health.
3. Acceptance of the Watershed Law by resolution of the Schuyler County Legislature shall adopt by reference Part 8 and 75, Chapter I, of the New York State Sanitary Code and cited 10 NYCRR 8 and 75 as the same is now in effect and may hereafter from time to time be amended.

Section D. **VIOLATIONS AND PENALTIES**

1. The provisions of the Watershed Protection Law shall have the force and effect of law. Violation or non-compliance with any section of this local law shall be deemed a violation.
2. A written "Notice of Violation" shall be issued to any property owner when a violation of these rules and regulations is found specifying the nature of the violation and stating the date(s) by which corrective action shall be completed. In the event of continued violations, the regulatory officer may apply for an injunction or other relief including but not limited to property condemnation from the appropriate court or Municipality Board. Any violation beyond that date shall be punishable by a fine not to exceed \$250 and/or imprisonment not to exceed 15 days per week of violation. Each week of violation shall be considered a separate offense.
3. Upon receipt of a Notice of Violation any person who contests the reasonableness of the steps to be taken or the reasonableness of the completion dates therein may request, in writing, within five (5) days of the issuance of said Notice of Violation a conference as to the tasks to be undertaken and the dates required for completion. At the request of the person requesting such conference, that person may request a conference before the Director of Public Health or his representative. The Director of Public Health or his representative may rescind or modify the Notice of Violation or direct that the original terms of the notice be carried out. If after a conference, or where no

conference has been requested, the person so notified refuses to sign said Notice, the Director of Public Health or his representative shall cause a copy of said Notice of Violation to be personally served upon the person originally notified. Upon such personal service, the terms of the Notice of Violation shall be in full force and effect as if personally executed by the person so served.

Section E. **POWERS AND AUTHORITY OF REGULATORY OFFICERS**

1. The Watershed Protection Agency or its duly authorized employees bearing proper credentials and identification shall be permitted to enter upon all properties and premises covered by the regulations of the Watershed Protection Law for the purposes of inspection, observation, measurement, sampling or testing in accordance with the provisions of this local law.
2. Whenever entry is refused the regulatory officer shall submit to the proper authorities such evidence as is necessary to justify entry upon said properties or premises such as to obtain a court order to perform the discharge of the Watershed Protection Agency's duties.
3. No person shall molest, assault, or resist any regulatory officer of the Watershed Protection Agency or their assistants in the lawful discharge of their duties.

Section F. **FEES**

1. A fee will be assessed by the Schuyler County Watershed Protection Agency and adjusted as needed to charge for any of the services approved by the Schuyler County Legislature. All fees required for service shall be made payable to the Schuyler County Treasurer. The regulatory officer may waive the collection of all, or a portion of, the established fee for non-profit agencies, governmental agencies, and low income persons.

Section G. **EFFECTIVE DATE**

1. This Watershed Protection Law as adopted by the Board of Health shall take effect on the respective date of filing of such items with the New York State Department of State pursuant to the Municipal Home Rule Law.

Section H. **DEFINITIONS**

1. "Agent or Agents Thereof" shall mean a person requested, employed or contracted by an owner or owners, occupant or lessee to construct, repair or perform excavation for the installation of a receptacle, or waste water treatment system, individual water supply or element within said system(s).
2. "Alternative System" shall mean any wastewater treatment system allowing for the disposal of wastewater which does not rely upon infiltration of wastewater entirely into the in situ or virgin soil.

3. "Appendix 75-A" shall mean a portion of Part 75 of the Administrative Rules and Regulations contained in Chapter 11 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (10NYCRR).
4. "Board of Health" shall mean the Schuyler County Legislature.
5. "Building" shall be a structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof affording shelter for persons.
6. "Certificate of Approval" shall mean a certificate issued upon completion of a new construction wastewater treatment system in accordance with the specifications detailed in Appendix 75.A approved in the Construction Permit.
7. "Certification of Completion" shall mean a certificate issued upon completion of a replacement wastewater treatment system, in accordance with the specifications approved in the Construction Permit.
8. "Certificate of Compliance" shall mean a certificate issued upon request for the evaluation of a wastewater treatment system serving a property being converted, expanded, transferred or for mortgage refinancing purposes when required by a lending institution, attorney, realtor, purchaser or code enforcement officer.
9. "Construction Permit" shall mean a permit issued prior to construction or repair of a wastewater treatment system, to serve any building, structure, or manufactured home specifying the type, capacity and location of each element of the said system in accordance with this local law and/or said regulations. Said construction permit shall expire one year after date of issuance.
10. "Conventional Wastewater Treatment System" shall mean any wastewater treatment system allowing for the infiltration of wastewater into the in situ, or virgin, soil.
11. "Distances" shall mean the shortest horizontal linear distance from the nearest point of a wastewater treatment system to the mean high water mark of the nearest watercourse or lake or edge, margin or top of a precipitous bank forming the mean high water mark of a watercourse or lake. Additionally distances shall mean the shortest footage between two or more objects.
12. "Drainage Channel" shall mean a stream or portion of a stream that flows only in direct and immediate response to precipitation. It receives little or no water from springs and no long term continued supply from melting snow or other sources. It is dry for a large part of the year ordinarily more than three (3) months.
13. "Dwelling" shall mean a building or structure containing not more than two dwelling units occupied exclusively for residential uses.
14. "Element" shall mean any part or parts thereof comprising a wastewater treatment system.
15. "Flood Plain" shall mean those areas designated by either the New York State Department of Environmental Conservation or the

- United States Federal Emergency Management Agency as likely to flood within one hundred years.
16. "Garbage" shall mean all animal and vegetable wastes resulting from the processing, preparation, cooking or serving of foods, and other putrescible materials.
 17. "Hardship" shall mean a circumstance(s) that makes it impractical or impossible to comply with the standard of this law.
 18. "Human Excreta" shall mean feces, urine or other human excretions and shall include the contents of aerobic tanks, holding tanks, septic tanks, seepage pits, privies or wastewater treatment systems.
 19. "Individual Waiver" shall mean a waiver issued in an individual situation because of an individual hardship or other circumstance that makes it impractical to comply with a standard for individual water supply or individual sewage treatment systems.
 20. "Individual Water Supply" shall mean a drinking water supply intended to supply one or more dwelling units, used in the absence of a public water supply system as defined in Part 5 of the New York State Sanitary Code.
 21. "Lake" shall mean Seneca, Waneta, Lamoka, Cayuta or Cinnamon Lakes in Schuyler County.
 22. "Land Disturbance" shall mean the removing of vegetation and/or top soil, or subsurface soil which changes the existing natural slope by five percent (5%) or more by means of excavation, filling, mining or other activity causing the addition or displacement of soils by mechanical means.
 23. "Launching Site" shall mean any location public or private that is used for the purpose of launching boats into the lake water and or hauling boats out of the lake water.
 24. "Manure" shall mean the accumulated feces and urine from any animal or fowl resulting from the raising of these animals or fowl.
 25. "New Construction Wastewater Treatment System" shall mean any wastewater treatment system constructed or placed on an undeveloped site and requiring a wastewater treatment system and currently not utilizing a wastewater treatment system.
 26. "Non-Waterborne" shall mean a system or structure for urinating or defecating, which is not flushed. This includes but is not limited to privies, chemical, incinerator and compost toilets.
 27. "Notice of Violation" shall mean a written statement signed by the regulatory officer stating the time necessary to correct any violation of this code and stating reasonable time periods necessary to complete such steps. Each such notice shall contain a space at the end of such written statement wherein the person so notified may execute said notice and agree to the terms therein.

28. "Offensive Material" shall mean all putrescible and non-putrescible solid wastes including garbage, ashes, incinerator residue, street cleanings, dead animals and/or parts thereof, offal and solid commercial or industrial wastes.
29. "Person" shall mean an owner, individual, firm, agent, corporation, association, partnership or municipality and agents, employees and servants thereof, or any other legal entity which is recognized by law as the subject of rights and duties.
30. "Putrescible Matter" shall mean organic matter, under the process of partial decomposition, by micro-organisms, producing a foul odor.
31. "Receptacle" shall mean water tight structures or containers for the purpose of storage, disposal or treatment of human excreta and/or wastewater.
32. "Regulatory Officer" shall mean the authorized representative of the Schuyler County Watershed Protection Agency including but not limited to the Watershed Inspector who additionally may be the duly authorized representative of the Town or Village Health Officer following approval and/or designation by individual Towns or Villages or their consolidated health districts.
33. "Replacement Wastewater Treatment System" shall mean any construction or modification of a system serving an existing structure which already has a wastewater treatment system. Complete or partial replacement of an element for an existing structure with a system, shall be considered a replacement wastewater treatment system and must be approved by the regulatory officer.
34. "Seasonal Use" shall mean a wastewater treatment system serving an occupied dwelling producing wastewater discharge for not more than six continuous months.
35. "State Sanitary Code" shall mean the rules and regulations promulgated by the Public Health Council of the State of New York and designated as the New York State Sanitary Code.
36. "Structure" shall mean an assembly or materials, forming a construction framed of component structural parts for occupancy or use including buildings or dwellings.
37. "Watercourse" shall mean a visible path through which surface water travels on a regular basis including natural or man-made streams or ponds but not including drainage channels.
38. "Wastewater Treatment System" shall mean a system of piping, tanks or other elements designed to treat, purify, dissolve, distribute and dispose of sewage and/or other wastewater into soil.
39. "Watershed Protection Agency" shall mean the agency established by the Schuyler County Legislature to administer and enforce the Watershed Protection Law.
40. "Watershed Protection Law" shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and adopted by the Schuyler County Legislature and properly filed with the appropriate state agencies.

ARTICLE II

Sewage Disposal - Wastewater Treatment Systems

Section A. **EXPOSURE, DISCHARGE AND DISPOSAL OF SEWAGE**

1. No person shall discharge or permit or cause to be discharged untreated sewage, the overflow drainage or contents of a septic tank or other wastewater onto the surface of the ground or into any street, road, alley, open excavation, storm water sewer, land drain ditch, adjoining property, watercourse, lake or groundwater.
2. No person shall discharge, or permit or cause to be discharged treated or untreated sewage, the overflow drainage or contents of a septic tank or other wastewater into an abandoned water supply well, spring, cistern sink hole, crevice/opening extending into limestone, sandstone, or other rock shale formation which may degrade ground water.
3. Each building provided with plumbing fixtures or provided with a device to create a wastewater discharge flow, where no approved community or municipal sanitary sewage system is available, shall utilize a wastewater treatment system.
4. No wastewater treatment system shall be installed, extended or altered on property accessible to a community or municipal sewage disposal system.
5. No person shall install a wastewater treatment system within a one hundred (100) year flood plain without maintaining a one (1) foot separation distance between the one hundred year flood level and the bottom of the filtration/absorption portion of the wastewater treatment system.
6. A minimum of three feet of useable soil shall exist above bedrock, groundwater, seasonal high groundwater or an impervious layer and the bottom of any new wastewater treatment system being designed for installation.
7. Due to the accelerated corrosion and decay of metal septic tanks, dosing tanks, pump station tanks and distribution devices these metal products shall not be installed for use within Schuyler County
8. No land disturbance shall occur for the purpose of creating an acceptable slope for the installation of a wastewater treatment system without prior approval of the regulatory officer.
9. Once the required filtration and/or absorption area is determined by daily flow, soil evaluation and percolation test the required square footage or useable area of the lot for the new construction wastewater treatment system can be found. An additional area of one hundred (100) percent shall be set aside for future expansion or replacement when possible.

Section B. **REGISTRATION OF INSTALLERS**

1. As of January 1, 1995 any person who is engaged in whole or in part, in the business of delivering, constructing, maintaining or

installing wastewater treatment systems or elements thereof or pumping of receptacles shall properly register that fact with the Schuyler County Watershed Protection Agency. Such registration shall be on a form prescribed and furnished by the regulatory officer. Homeowners solely performing installation or maintenance of systems situated upon their property are exempt from this requirement.

2. Any persons having not registered prior to January 1, 1995 must so register prior to performing installation or maintenance to any element of a wastewater treatment system.
3. Any person who fails or refuses to so register prior to performing any installation or maintenance to any element of a wastewater treatment system shall be subject to the penalties set forth in this law.
4. Registration information will be reviewed and updated annually.
5. All persons required to register must re-register by December 31 at the end of the third year. All persons having properly registered will be shown on a list to be provided to home or business owners upon request.
6. The list will not reflect any persons competency in the performance of their work nor will it reflect any coverage of the New York State Workers Compensation Law and Disability Benefits Law from those persons required to meet those requirements.

Section c. **ISSUANCE OF CERTIFICATE**

1. Certificate of Approval
 - a. No new wastewater treatment systems shall be placed in operation for any new building, structure or manufactured home until a "Certificate of Approval" has been issued indicating that such system has been constructed in compliance with the Wastewater Treatment System Construction Permit and the requirements of Appendix 75-A.
2. Certificate of Completion
 - a. No replacement wastewater treatment system shall be placed into operation for any existing building, structure or manufactured home until a "Certificate of Completion" has been issued indicating that such system has been constructed in compliance with the Wastewater Treatment System Construction Permit and the requirements of this Watershed Protection Law.
3. Certificate of Compliance
 - a. A Certificate of Compliance shall be issued upon the completion of the evaluation of a wastewater treatment system either immediately prior to property transfer or mortgage refinancing or for the purpose of performing an evaluation prior to the issuance of a building permit allowing dwelling conversion or bedroom expansion.
 - b. Certificates of Compliance indicates the results of an evaluation of the system being determined from various methods of observation such as but not limited to visual examination of the building plumbing system, visual examination of the

interior of the septic tank and visual examination of the absorption and or infiltration area following a septic dye test.

c. The regulatory officer shall be authorized to require maintenance; such as but not limited to septic tank pumping, septic tank volume enlargement or modification or the wastewater system prior to the issuance of a Certificate of Compliance.

d. No person shall replace or convert one dwelling with another or add bedrooms to an existing dwelling without first having obtained a Certificate of Compliance.

Section D. **WASTEWATER TREATMENT SYSTEM CONSTRUCTION PERMIT**

1. No person, either as owner or agent thereof, or lessee or tenant, shall undertake to construct or repair a new or replacement wastewater treatment system for the disposal of wastewater to serve or serving any dwelling or structure from which such wastes may be discharged without first having obtained a "WasteWater Treatment System Construction Permit" upon forms provided by the regulatory officer.
2. Any person, either as owner or agent thereof, or business delivering and/or assisting with the installation of a receptacle shall be subject to the penalties set forth in this law if participating with the installation of a receptacle of which a Construction Permit has not been issued.
3. No person shall situate, erect, begin construction or convert to another use any dwelling or structure that is subject to the provisions of this law and involves wastewater discharge without first obtaining a Wastewater Treatment System Construction Permit. Building expansions or conversions, which do not alter wastewater discharge, such as the building of a deck, garage, recreation room, etc. are exempt.
4. A copy of the Construction Permit issued by the Schuyler County Watershed Protection Agency may be supplied to the Town Clerk or other municipal agencies charged with the responsibility of issuing building permits for new construction or alterations and to the owner of his agent.
5. A wastewater treatment system construction permit shall be valid for one year from the date of issuance. Both the date of issuance and date of expiration shall be shown on the Construction Permit.
6. A construction permit may be renewed following reapplication and review. A fee shall be assessed for construction permit renewal.

Section E. **NEW WASTEWATER TREATMENT SYSTEM DESIGN STANDARDS**

1. Wastewater treatment systems for new household construction shall be designed in accordance with Appendix 75-A of the New York State Sanitary Code and the provisions of the construction permit.

2. Wastewater treatment systems for new commercial or institutional construction may be designed according to the New York State Department of Environmental Conservation guidelines "Standards for Waste Treatment Works - Institutional and Commercial Sewage Facilities" or current reference.
3. All new wastewater treatment systems designed by a design professional or designs not subject to Appendix 75-A must be submitted and reviewed by the Watershed Protection Agency.
4. No more than two (2) year around dwellings shall be served by a single wastewater treatment system under the provisions of this law.
5. No more than three (3) seasonal use dwellings shall be served by a single wastewater treatment system under the provisions of this law.

Section F. **REPLACEMENT WASTEWATER TREATMENT SYSTEM DESIGN STANDARDS**

1. Construction of replacement wastewater treatment systems may be designed and must be installed under the direction of the regulatory officer or a design professional. Replacement systems may be designed and installed according to the provisions of Appendix 75-A.
2. On limiting site conditions, the regulatory officer shall utilize up-to-date practical technology or require the system be designed and installed under the direction of a design professional or allow a holding tank be installed under the supervision of the regulatory officer.
3. Households served by replacement systems may be required to have DEC certified water conservation fixtures prior to the issuance of a "Certificate of Completion" to decrease system loading factors.
4. If the site is only occasionally inhabited, such as a hunting camp, and has no water under pressure or wastewater discharge, the regulatory officer may allow a non-waterborne system as described in Appendix 75-A, design a complete wastewater treatment system, or require that a design professional submit plans for approval.
5. Wastewater treatment systems for existing commercial or institutional establishment construction may be designed according to the New York State Department of Environmental Conservation guidelines "Standards for Waste Treatment Works-Institutional and Commercial Sewage Facilities" or current reference.
6. All replacement wastewater treatment system designs not subject to Appendix 75-A must be reviewed by the Watershed Protection Agency.

Section G. **INDIVIDUAL WAIVERS**

1. Replacement wastewater Treatment Systems
 - a. The regulatory officer may grant an individual waiver for replacement wastewater treatment systems in an individual

situation because of hardship to comply with a recommended standard for wastewater treatment system design specifications of Appendix 75-A when such exception conforms to the spirit of the regulations.

- b. Each request for waiver must be in writing and each waiver granted must be in writing and advise the applicant that the design or conditions approved do not meet minimum recommendations and the potential consequences of such deviations.
- c. Each waiver applicant must sign a "Release of Liability" form provided by the Schuyler County Watershed Protection Agency holding the Agency and its regulatory officer free and harmless of any adverse consequences experienced by the homeowner as a result of design deviations. Said release form must be notarized.
- d. A waiver may be issued provided a compliance schedule is properly submitted by the property owner and accepted by the regulatory officer.

Section H. **INSPECTIONS**

1. Construction of a wastewater treatment system shall be in accordance with the specifications approved in the Wastewater System Construction Permit.
2. No element of the system shall be covered until inspected and approved in accordance with the Wastewater Treatment System Construction Permit. Covered work shall be uncovered to permit inspection whenever considered necessary by the regulatory officer.
3. The regulatory officer shall be notified a minimum of 24 hours prior to the requested inspection date.
4. Inspections may include but not be limited to investigations, observations, interviews, review of written materials, samples and testing.
5. The design and construction of a wastewater treatment system meeting with the approval of the regulatory officer shall not be construed as a guarantee by the Schuyler County Watershed Protection Agency that the system will function satisfactorily for any given period of time.

Section I. **WASTEWATER SYSTEM EVALUATIONS AND COMPLIANCE**

1. The regulatory officer shall be allowed to make regular and thorough inspections of wastewater treatment systems for purposes of inspection, observation and testing of sewage disposal systems.
2. Whenever it shall appear to the regulatory officer that a wastewater treatment system is operating unsatisfactorily, a written "Notice of Violation" shall be given to the property owner, agent, violator or violators specifying the nature of the violation and required corrective action. The owner of the wastewater treatment system has up to 30 days from receipt of the

Notice of Violation to obtain a "Wastewater Treatment System Construction Permit". Completion of work detailed in the Construction Permit shall be performed within the time prior specified in the Notice of Violation not to exceed six (6) months from the date of issuance of the Construction permit. Upon written request additional time up to 30 additional days may be granted due to climatic conditions.

3. When blatant and or willful violations such as but not limited to draining sewage directly into water courses, water supplies or drainage channels one half of the times stated above in this section may be required to gain compliance.
4. It shall be the duty and obligation of the wastewater system owner to supply upon request to the regulatory officer, available information regarding wastewater treatment system type, capacity, location, usage, age, maintenance, etc., in order to determine the system's effectiveness.

Section J. **PROPERTY TRANSFER OR REFINANCING "CERTIFICATE OF COMPLIANCE"**

1. If a lending institution, realtor or attorney requires a property owner or prospective property purchaser to obtain a wastewater treatment system evaluation or if a lending institution requires a property owner to obtain a wastewater treatment system evaluation for mortgage refinancing purposes only the regulatory officer shall perform the inspection as per applicable provisions in this section and issue a Certificate of Compliance.
2. Only a regulatory officer of the Schuyler County Watershed Protection Agency is authorized to evaluate and/or to certify the operation of a wastewater treatment system for the purpose of mortgage refinancing or transferring any property being served by a wastewater treatment system when this evaluation is required by a lending institution, realtor, attorney or purchaser.
3. Prior to any property transfer, or mortgage refinancing requiring an evaluation of a wastewater treatment system from a lending institution, realtor, attorney or purchaser all septic, aerobic or holding tanks must be pumped by a DEC-licensed waste hauler at least ten (10) days prior to the date of closing and inspected by the regulatory officer, unless it has already been pumped and inspected by the regulatory officer within the past year. The property owner or DEC-licensed waste hauler must give the regulatory officer at least 24 hours notice to arrange for inspection of the tank. This maintenance pumping requirement shall not serve or imply in any way as an evaluation or certification of the operation of the wastewater treatment systems absorption and/or filtration element.
4. Prior to any property transfer or mortgage refinancing requiring an evaluation of a wastewater treatment system from a lending institution, realtor, attorney or purchaser the filtration and/or absorption area must be evaluated by the regulatory officer at least 10 days prior to the date of closing. The property owner

or his representative must give the regulatory officer at least 24 hours notice to arrange for this inspection.

5. If the wastewater treatment system is determined to be operating unsatisfactorily or inadequately, a written Notice of Violation may be served and a Compliance Schedule specifying corrective action must be obtained prior to property transfer or refinancing closing.
6. For aerobic systems, the new owner must send a signed copy of a service contract to the regulatory officer within 30 days after property transfer.

Section K. **SEPTIC TANK PUMPING AND INSPECTION**

1. All septic tanks should be routinely maintained to: 1) ensure baffles are adequate; 2) check for holes or cracks; and 3) determine if tank needs pumping. Regular maintenance of the septic tank will help to protect the filtration/absorption area from clogging.
2. Septic tanks, with total depth of sludge and scum exceeding one-third of the liquid depth, as demonstrated by the property owner or his agent, will be required to be pumped at property owner's expense.
3. Additional tank volume may be required by the regulatory officer to meet system use and design standards.
4. After septic tank pumping, the DEC licensed hauler is required to send a "Septic Tank Pumping Inspection Form" to the Schuyler County Watershed Protection Agency, verifying the septic tank was inspected, pumped and describing other maintenance work completed on a monthly basis or within thirty (30) days of repair or pumping.

Section L. **WASTEWATER TREATMENT SYSTEM ABANDONMENT**

1. Any pre-existing septic tank, holding tank, non-waterborne system or seepage pit must be pumped and filled with clean soil within ten (10) days of the installation of a replacement system.
2. Any septic tank, holding tank, non-waterborne system or seepage pit must be pumped or allowed to remain under conditions of a Certificate of Compliance with two (2) year of discontinued use.

Section M. **TEMPORARY TOILET FACILITIES**

1. Any builder, contractor or other person, firm or corporation employing individuals on the construction or repair of any dwelling or structure not containing sanitary lavatory facilities shall provide or cause to be provided temporary toilet facilities at a convenient place upon the premises or readily accessible thereto and the same shall be properly enclosed. Human excreta shall be treated or removed in a manner acceptable to the regulatory officer.
2. Temporary toilet facilities shall be provided for gatherings of people wherever the regulatory officer determines them necessary to prevent nuisances which may affect health. The regulatory

officer may require any person using a property for a gathering of people to provide temporary toilet facilities, hand washing facilities and water supply taps, in numbers meeting or exceeding those required for mass gathering by the State Sanitary Code.

Section N. **HOLDING TANK**

1. Holding tanks are allowed as replacement systems only and must be approved by the regulatory officer.
2. Newly installed holding tanks shall: 1) be vehicle accessible; 2) have an access port above grade not to exceed 6" in diameter; 3) have a capacity of four days storage based upon design flow of 150 gallons/bedroom/day, with a minimum of 1,000 gallons; 4) have an audio or visual float alarm device to alert the property owner that the tank is filled within 12 inches of the inlet pipe; 5) have anchoring devices for areas where seasonal high water is evident from soil investigations; and 6) utilize certified water conservation fixtures.
3. All holding tanks shall be inspected, by the regulatory officer on an annual basis, at the time of pumping. Homeowners shall give the regulatory officer 24 hours notice prior to the inspection date.
4. Holding tanks shall be pumped by a New York State licensed septic tank pumping contractor when the tank is a minimum of 12" from the inlet pipe and documentation shall be sent to the Schuyler County Watershed Protection Agency by the licensed septic hauler
5. Any septic tank or holding tank that shows evidence of leaking must be replaced or repaired within the time period specified by the regulatory officer.

Section O. **AEROBIC UNITS**

1. Only Class I aerobic units are acceptable for new or replacement systems and must be approved by the regulatory officer. For both new and replacement systems, aerobic tanks are considered a septic tank substitute and must be used in conjunction with a properly cited and designed filtration and/or absorption area approved by the regulatory officer. A permit from the DEC is required for any surface discharge.
2. A visual and audio warning device shall be installed in a conspicuous location so that activation of such warning device will alert property occupants of aerobic unit malfunction or failure. All warning devices shall be wired separately from the aerobic unit so that disconnecting the aerobic unit from electricity will activate the warning device.
3. All aerobic units must have a continuous maintenance contract agreement with an authorized service contractor if available. Each aerobic unit shall be inspected at least two times per year by the authorized service contractor. All service contracts must be sent to the Schuyler County Watershed Protection Agency annually to verify that a continuous contract exists for the aerobic unit. The service contractor shall have aerobic unit

effluent tested annually by a certified laboratory to determine that the unit conforms with manufacturer's treatment specifications and provide the results to the regulatory officer.

Section P. **PROPER WASTEWATER STORAGE-BOATS**

1. No person shall launch, set, place, etc. into the lakes within Schuyler County any boat equipped with a marine sanitation device unless Coast Guard approved. Any boat or vessel that is capable of discharge of any sewage, or wastewater from a holding tank, or toilet, shall have such discharge hole plugged and the plug cut off flush per Coast Guard procedure before the boat may be launched into any lake in Schuyler County.
2. Wastewater from boats must be disposed of in a manner acceptable to the regulatory officer or NYS Department of Environmental Conservation.

Section Q. **MINIMUM LOT SIZES - NEW CONSTRUCTION**

1. Alternative Wastewater Treatment System
 - a. Any person proposing to establish a dwelling meeting the requirements of this law must provide a minimum of 80,000 sq. ft. of usable land with a minimum of 150 ft. of road frontage or a 150 ft. diameter circle of which the wastewater treatment system is to be installed within.
 - b. A minimum lot size of 40,000 sq. ft. with a minimum of 150 ft. of road frontage or a 150 ft. diameter circle of which the wastewater treatment system is to be installed within may be allowed if the person connects to a community or public water system, lake or private water supply situated outside of the 40,000 sq. ft. lot.
2. Conventional Sewage Disposal System
 - a. Any person proposing to establish a dwelling meeting the requirements of this law must provide a minimum of 40,000 sq. ft. of usable land with a minimum of 100 ft. of road frontage or a 100 ft. diameter circle of which the wastewater treatment system is to be installed within.
 - b. A minimum lot size of 20,000 sq. ft. with a minimum of 100 ft. of road frontage or a 100 ft. diameter circle of which the wastewater treatment system is to be installed within may be allowed if the person connects to a community water system, lake or private water supply situated outside of the 20,000 sq. ft. lot.

Section R. **EXCEPTIONS TO RESTRICTIONS AND DISTANCES FOR NEW CONSTRUCTION**

1. Lot Sizes
 - a. An exception to the minimum lot size may be granted provided the person can demonstrate there is adequate square footage available to meet all of the specifications, rules and regulations of Appendix 75-A, however, exception to minimum lot size can only be

granted when a proposal is submitted to the Schuyler County Watershed Protection Agency from a design professional acting on behalf of the person proposing to establish a dwelling and approved by the regulatory officer and or the New York State Health Department.

2. Design Standards
 - a. An exception to recommended design standards may be granted with the issuance of an individual waiver for replacement wastewater treatment systems.
3. Construction Permit
 - a. A wastewater Treatment System Construction Permit may not be required when the system design has been prepared by a design professional for new construction dwellings or for a system serving a facility discharging wastewater from an establishment approved or operated by a State or Federal Agency.
4. Certificate of Approval
 - a. A Certificate of Approval may not be required for a system serving a facility discharging wastewater from an establishment approved or operated by a State of Federal Agency.
5. Certificate of Compliance
 - a. Transfer of a building, structure or dwelling shall mean the transfer of ownership to another person or entity for consideration and does not include a transfer of ownership through inheritance, or within an immediate family to include, but limited to spouse and/or children.

ARTICLE III

Individual Water Supplies

Section A. **STANDARDS FOR NEW CONSTRUCTION**

1. Individual water supply systems should be designed, constructed and maintained in accordance with the standards of the State Commissioner of Health bulletin entitled "Rural Water Supply" Appendix 75-B.

Section B. **REGISTRATION OF INSTALLERS**

1. As of January 1, 1995 any person in the business of water supply system installation for human consumption shall register that fact with the Watershed Protection Agency. Such registration shall be on a form prescribed and furnished by the regulatory officer. Homeowners performing installation or maintenance of water supply systems situated upon their land are exempt from this requirement.
2. Any person not having registered prior to January 1, 1995 must so register prior to performing installation of individual water supply systems.

3. Any person who fails or refuses to register prior to performing a water supply system installation shall be subject to the penalties set forth in this law.
4. Registration information will be reviewed and updated annually.
5. All persons required to register must re-register by December 31 at the end of the third year. All persons having properly registered will be shown on a list to be provided to home or business owners upon request.

Section c. **APPROVAL REQUIRED**

1. No person either as owner or agent thereof, or lessee or tenant shall undertake to construct or provide a system or facilities for the supply of water from a ground water source to serve any new dwelling or structure without first having obtained approval of the proposed system from the regulatory officer. Such approval shall be granted upon filing with the regulatory officer a description of the proposed facilities upon forms provided by the regulatory officer.

Section D. **WELL LOG**

1. Any person who installs an individual water supply utilizing ground water shall submit a well log report on a form prescribed by the regulatory officer.

Section E. **RENTAL UNITS**

1. All landlords shall provide potable water to occupants of rental dwelling units.

ARTICLE IV

Nuisances

Section A. **DUTY TO INVESTIGATE**

1. The regulatory officer or his representative shall receive and examine into all complaints made by an inhabitant of the County concerning public health nuisances causing danger to life and health in the County and may request such complaints to be in writing.

Section B. **INVESTIGATION**

1. The regulatory officer or his representative may enter upon or within any place or premises where nuisances or conditions dangerous to life and health, or which are the cause of nuisances existing elsewhere, are known or believed to exist or examine the source.
2. The owners, agents and/or occupants of any dwelling or structure shall permit examinations and inspections to be made pursuant to the provisions of this article and Title I of Article 13 of the Public Health Law and Part 8 Chapter I of the State Sanitary Code.

3. The regulatory officer shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the County.

Section C. **MANURE PILES**

1. No manure piles shall be maintained or allowed to remain within a 200 foot distance of a water course provided that this section does not prohibit the normal spreading of manure which is not in piles.

Section D. **GARBAGE AND REFUSE REMOVAL**

1. No person shall permit, deposit, store or hold any offensive material on any property or place or in any structure unless such material is so treated, screened, covered or placed as not to create a nuisance.
2. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in an inoffensive and sanitary condition for not more than fifteen (15) days.
3. All offensive material shall be buried at least two hundred (200) feet from any watercourse, pond, lake or individual water supply or be disposed of at other places approved by the New York State Department of Environmental Conservation so that water supplies will not be subject to pollution and where a nuisance will not be created.
4. Storage and/or disposal of offensive materials generated or stored on rental properties shall be the responsibility of the property owner or landlord acting as the owner's agent.

MODEL WASTEWATER MANAGEMENT REGULATIONS

Background

The following regulations represent several months of development and review. This model regulation has been modified in several areas from earlier version to reflect the fact the Elected Officials support a cooperative and uniform regulatory program. The successful implementation and enforcement of these regulations requires that all wastewater systems be reviewed, designed and installed under the direction of a centralized program.

The standards were developed to ensure the protection of public health and water quality in the County. Both new construction and replacement systems are addressed in the code. An emphasis in the code is placed on evaluating, improving or replacing inadequate wastewater systems. There are also provisions for property transfer inspections, water supply development and nuisance complaints.