type of absorption field that involves relocating or extending an absorption area to a location not previously approved for such, does require a licensed design professional. A licensed design professional is required when repair or replacement involves installation of a new subsurface treatment system at the same location or the use of an alternative system (i.e., raised system, mounds, or sand filter) or innovative system design or technology.

Note: In all cases: 1) local government, watershed protection agencies or other jurisdictional agency rules and regulations may also apply; 2) All OWTS design plans must be prepared by a design professional licensed to practice in New York State; 3) When no regulatory agency is responsible for inspection of a constructed OWTS, it is recommended that a written certificate of compliance be submitted by a New York State licensed professional engineer or architect prior to occupancy.

For questions concerning this Fact Sheet:

Residential Sanitation Section
Bureau of Water Supply Protection
New York State Department of Health
(518) 402-7650 or FAX (518) 402-7659
E-mail: bpwsp@health.state.ny.us

KWIC

Keuka Watershed Improvement Cooperative
Suite 205
1 Keuka Business Park
Penn Yan, NY 14527
315-536-0917
Paul Bauter, Watershed Manager

February 10, 2004

Interested parties

RE: Proposed Amendment to Education law, article 145, section 7208

The education law, article 145 is intended to provide quality professional service to projects wherein safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data. It is the intent of this proposed amendment, the addition of subsection q. to section 7208 Exempt persons with specialized training and certification from recognized training sources, to further the quality of professional service in onsite wastewater treatment systems.

A fact sheet from the New York State Department of Health could change the present system of planning of onsite wastewater treatment systems in many areas of New York State by requiring a professional engineer licensed in New York State to design all onsite wastewater treatment systems whether they are new, replacement or simply repairs. Approximately 1.5 million households in New York State use onsite wastewater treatment systems and all would be affected by the fact sheet. One-third of all new homes utilize onsite wastewater treatment systems and the fact sheet would affect one third of all new homes in New York State.

The fact sheet would slow down new home starts, seriously slow repairs to failing existing systems providing more exposure to hazards for health, place economic hardship on numerous households. There is a ripple effect to contractors, code enforcement officers, local governments, health officers and suppliers.

This amendment provides an avenue for further education, design and construction of onsite wastewater treatment systems without seriously hindering the homeowner or the state's economy. The amendment will not affect local governments that may still require a professional engineer for the design of all systems in their area. The amendment allows for the exemption if the local governing body desires.

The proposed amendment would reduce the hardships on 1.5 million households and at the same time provide quality professional service to the households. We encourage your support of the proposed amendment.

March 2, 2004

Respectfully,

DRAFT

Paul Bauter
Watershed Manager
Encl: Fact Sheet, Proposed Amendment

Proposed Amendment to New York State Consolidated Laws
Education
Article 145
Engineering and Land Surveying
Section 7208
Exempt persons

2/18/04

Add subsection q.

q. The consultation, investigation, evaluation, planning, design, inspection or supervision of construction or operation of single-family residential and small commercial onsite wastewater treatment systems with less than 1000 gallons per day flow rates for conventional type systems; absorption field systems, gravelless absorption systems, deep absorption systems, shallow absorption systems, cut and fill systems, absorption bed systems, seepage pits, and local waivered systems approved by the New York State Department of Health by a person certified by the NYS Onsite Wastewater Treatment Training Network (NYSOWTTN) or other entity approved by the department.

1 Keuka Business Park
Suite 205
Penn Yan, NY 14527

Phone: 315-536-0917
Fax: 315-536-2389

Message :

RE: DOS Comment

Per request of the Watershed Manager. If you have any questions, feel free to contact us.

Thank you,
Cris White
KWIC Clerk/RMO

From: Keuka Watershed KWIC	**To:** Bill Weber
Date: 3/18/2004	**Page(s):** 3

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 16, 2004

Paul Bauter, Watershed Manager
Keuka Watershed Improvement Cooperative
1 Keuka Business Park, Suite 205
Penn Yan, NY 14527

Dear Mr. Bauter:

This is in response to your questions regarding the Keuka Watershed Improvement Cooperative. You ask if the cooperative is a more restrictive local law subject to the requirements of section 379 of Article 18 of the Executive Law. It is our opinion that it is not.

You state that the cooperative is an intermunicipal agreement between the local governments which border Keuka Lake, for the purpose of preserving the watershed. Documents submitted by you indicate that this agreement is pursuant to section 7-741 of NYS Village Law, section 284 of NYS Town Law, section 10 of NYS Municipal Home Rule Law, section 1100 of NYS Public Health Law and part 157.1 of 10 NYCRR. The agreement states that Keuka Lake, with it's watershed, is a "Community Resource" within the meaning of Town Law section 284 and Village Law section 7-741. As such, pursuant to section 119(o) of NYS General Municipal Law, Section 284 of Town Law and section 7-741 of Village Law, "The Keuka Watershed Improvement Cooperative (KWIC)" was formed in 1993. KWIC regulations are enforced by the same person who is the local code enforcement official.

The Department of State has determined that such regulations, promulgated by laws other than Article 18 of the Executive Law, which are neither inconsistent nor in conflict with the regulation of the Uniform Fire Prevention and Building Code (Uniform Code), are not more restrictive local laws subject to the approval of the State Fire Prevention and Code Council (Code Council) pursuant to section 379 of Article

www.dos.state.ny.us E-mail: info@dos.state.ny.us

With respect to the appeals of the code enforcement official's determination that were held before the Western Region Board of Review, at 1530 Jefferson Road, Henrietta, New York, on May 9, 2003, the applications and applicants being:
Petition No. 2003-0005 - Steven and Robin Dillion, 16162 West Lake Road, Town of Pultney;
Petition No. 2003-0006 - Denise Smith, 1067 West Lake Road, Town of Pultney; and
Petition No. 2003-0007A - Richard and Sandra Niles, 9476 West Lake Road, Town of Urbana;
the board's decisions are meaningless because the board had no jurisdiction. The code enforcement official was working in his capacity as the local government official enforcing the KWIC regulations.

If you have any questions or wish to discuss this matter further, please call me at (518) 474-4073.

Sincerely,

Cheryl A. Fischer, P.E.
Assistant Director for Code Interpretation
Codes Division

KEUKA WATERSHED IMPROVEMENT COOPERATIVE

FACSIMILE TRANSMITTAL SHEET

TO: Bill Weber	FROM: Paul/Cris
FAX NUMBER: 607-~~562-4314~~ 868-4010	DATE: March 12, 2004
COMPANY: Town of Pulteney	TOTAL NO. OF PAGES EXCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Info from Paul Bauter	YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Sending per request of the Watershed Manager. Paul also mentioned to let you know that you were right regarding the definition of Penn Yan rules and regs, being East Branch, Yates County.

Attachments include:

- KWIC OWTS Program
- A KWIC History, by Peter Landre

If you have any questions, feel free to contact our office.

Thank-you.

Cris

Copy yet

SUITE 205 • 1 KEUKA BUSINESS PARK • PENN YAN, NY 14527
PHONE: 315-536-0917 • FAX: 315-536-2389
PAUL BAUTER, WATERSHED MANAGER CRIS WHITE, CLERK/RMO

Keuka Watershed Improvement Cooperative
Onsite Wastewater Treatment System Program *(Highlights)*

On December 9, 1993 the Intermuncipal Agreement forming "The Keuka Watershed Improvement Cooperative" became effective with the member municipalities being Barrington, Hammondsport, Jerusalem, Milo, Penn Yan, Pulteney, Urbana, and Wayne. The agreement declared the purpose, the governing board, staffing and other items. The agreement called for the development of a Uniform Policy and Procedures Manual.

At the KWIC meeting of October 24, 1994 the Policy and Procedures Manual was adopted.

KWIC Watershed Manager
(A civil service position through Steuben County Personnel Office requiring educational and experience qualifications and passing a written examination for the duties described in the job description)

1. Supervise the wastewater management program
   a. Evaluate site conditions
   b. Prepare or review designs for new or replacement systems
   c. Supervise the Watershed Inspectors to ensure proper installation
   d. Certify the operation of newly installed systems
   e. Coordinate regular inspection program
   f. Ensure that uniform and professional standards for inspection and evaluation are used by the inspectors.

2. Ensure uniform enforcement of violations of wastewater law
   a. Issue notice of violations
   b. Issue summons

Municipality's Watershed Inspector
(A town appointed position to perform the duties described in the job description)

1. Wastewater system sanitary inspections and documentation
   a. Sanitary inspection
      i. Interview homeowner
      ii. Interior plumbing check
      iii. Dye testing to confirm problems
      iv. Visual inspection of ground
      v. Map system components

   b. Communicate results to manager
   c. Prepare notice of violations for failed systems
   d. Deliver notice of violations or other enforcement documents as requested by Manager

2. Assist the Manager in providing appropriate wastewater system installations for new and replacement systems. The inspectors duties shall include:
   a. Assist in site evaluation and documentation of wastewater system
   b. Tank replacement recommendations, subject to Manager review
   c. Supervision of the installation of the wastewater system according to specifications

A KWIC History

Peter Landre, Cornell Cooperative Extension

The KWIC or Keuka Watershed Improvement Cooperative was formed by intermunicipal agreement in 1991 by the eight Keuka Lake town and villages to ensure uniform regulations and enforcement of wastewater systems to protect the purity of the lake. The agreement is widely considered (state-wide and nationally) to be a model of cooperation and pro-active wastewater management.

Why did the municipalities form the KWIC? Because they and the public recognized that clean water, both groundwater and lake water, is vital to protect and a major responsibility of the town/villages. Local tourism $ generate nearly $50 million dollars/yr and real property tax base represents $1 billion along the lake (up to 70% of all assessed value in many towns). Tourism and tax base depend on a clean and healthy lake and septic systems are a primary potential source of contamination if they are not managed properly.

Back in the early 1990's, each municipality formed local study committees and recommended a "watershed-wide" approach to address septic systems. The common themes of agreement were:

- Pollution does not abide by political boundaries-one town pollutes, all suffer! Therefore, a watershed approach is needed
- Uniform regulations and uniform enforcement
- Local control, do not usurp local "home-rule" powers
- Control costs

Supervisor, majors, town board members, citizens and watershed inspectors came together with the KLA, county agency staff, State Dept. of Health staff/DEC, Cornell University faculty/staff and many others to formulate a plan. The first step was to develop and pass local **uniform septic system regulations**. After nearly a year and 7 DRAFTS, a model wastewater law was passed in each town and village. The law provided the local authority for both new and replacement construction of septic systems as well as the Zone 1 and Real Property transfer inspection program. It also defines what permits are required and penalties should a violation occur. The law used as a foundation the DOH/Building code known as Part 75-a as the basis for design/construction of wastewater systems. It is important to note that this state code applies to the construction of all septic systems, regardless if the KWIC was formed or the towns passed these local laws. The purpose of the local codes was to enhance the management of septics (inspection program) and ensure that Part 75a was followed uniformly in each town.

The next step, was the formulation of the "**Uniform Enforcement**" piece of the program. All the municipalities agreed that in order to provide for uniform enforcement of the local laws across the watershed, one person, a Watershed Manager, would need to be hired and shared to oversee the program and provide technical expertise on the designs/approvals of system. The municipalities agreed that this person would need expert knowledge in engineering, soils, regulatory procedures, program management and municipal affairs. The municipalities spent many months defining the roles and responsibilities of the Manager and the Watershed Inspectors so that each had a defined role per the wastewater law. It was agreed that the

Inspectors role was to conduct the inspections per the Zone 1, complaint and property transfer/refinancing sections of the law and the Watershed Manager was responsible for design/approvals of new/replacement systems. This includes the acquisition and use of a local waiver or engineered plans for difficult sites. This allows the Watershed Manager to design certain engineered systems locally and pass the savings on to homeowners (perhaps $20,000 per year in the watershed).

In order to hire a manager and provide the municipal input/management required, the towns/villages created the intermunicipal agreement that created the formation of the KWIC. Members of the KWIC are elected supervisors and majors of each town, budgets are controlled by the local boards. Each member town/village pays an equal share of the annual budget. The agreement has a "rolling sunset" provision that automatically continues each year for a three-period. Any member municipality may request in writing a review and reconfirmation of the agreement at anytime. Such request must include a description of any problems or complaint. The KWIC shall take prompt action to review or correct any such problems or complaints.

Has anything changed since the KWIC was adopted? No, only minor policies/procedures. The local laws, Part 7a, and the KWIC agreement are unchanged. Some observations relative to concerns raised about KWIC and the wastewater law:

1. New construction of septic systems shall comply with appendix 75-A since this is a state law (with or without KWIC)
2. Replacement systems shall comply with appendix 75-A if possible (with or without KWIC) unless a town decides to change their local law. And then the only thing that would change is the shall would change to should.
3. Soils in most of the towns are limiting and require alternate designs. These difficult site/soil conditions will remain, with or without KWIC.
4. Lot sizes along the lake in particular are very small and limiting when it comes to septic system options. KWIC does not have any control over the lot sizes for onsite wastewater treatment systems.
5. KWIC's involvement with the municipalities is through the intermunicipal agreement that provides expertise in onsite wastewater treatment planning and review, training for the inspectors, and supervision of inspectors and program for uniform compliance. Procedures have been developed with cooperation of the manager and the inspectors approved by the Board of Directors.
6. The zone one inspections are a product of the local wastewater management regulations.
7. KWIC has local waivers from the NYSDOH that exist via the watershed manager's expertise. If a manager changes the waivers are suspended until NYSDOH is confident the new manager has adequate expertise.

KEUKA WATERSHED IMPROVEMENT COOPERATIVE

FACSIMILE TRANSMITTAL SHEET

TO: All KWIC Board Members	FROM: Paul/Cris
FAX NUMBER: 531-9214 Barrington 607-569-3404 Hammondsport 595-2707 Jerusalem 536-9760 Milo 607-868-4010 Pulteney 536-5866 Penn Yan-Doug Marchionda, Jr. 607-569-2412 Urbana 607-292-3309 Wayne	DATE: March 23, 2004
COMPANY:	TOTAL NO. OF PAGES EXCLUDING COVER: 1
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Correction on Resolution	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Sending per request of the Watershed Manager. If you have any questions, feel free to contact our office.

Thank-you.

Cris

SUITE 205 • 1 KEUKA BUSINESS PARK • PENN YAN, NY 14527
PHONE: 315-536-0917 • FAX: 315-536-2389
PAUL BAUTER, WATERSHED MANAGER CRIS WHITE, CLERK/RMO

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it adopted by the Keuka Watershed Improvement Cooperative, Board of Directors, March 22, 2004.

AUTHORIZING THE CHAIRPERSON TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES BY RICHARD OSGOOD.

WHEREAS, The agreement for engineering services would be in the best interest of the citizens of the Keuka Watershed Improvement Cooperative for compliance with NYSDOH Fact Sheet dated 1/13/04 (Need for Licensed Design Professional – Residential Onsite Wastewater Treatment Systems).

RESOLVED: That the Chairman is authorized to execute on behalf of the Keuka Watershed Improvement Cooperative the agreement for engineering services with Richard Osgood in the form presented to the meeting.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the NYS Code Council for review and approval if necessary.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by _____ Seconded by _____

Ayes _____ Nayes _____

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting March 22, 2004.

3/22/04_____KWIC Clerk/RMO

KEUKA WATERSHED IMPROVEMENT COOPERATIVE

FACSIMILE TRANSMITTAL SHEET

TO: All KWIC Board Members	FROM: Paul/Cris
FAX NUMBER: 531-9214 Barrington 607-569-3404 Hammondsport 595-2707 Jerusalem 536-9760 Milo 607-868-4010 Pulteney 536-5866 Penn Yan-Doug Marchionda, Jr. Urbana 607-292-3309 Wayne	DATE: March 23, 2004
COMPANY:	TOTAL NO. OF PAGES EXCLUDING COVER: 12
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Resolutions and Policy changes discussed at KWIC board meeting on Monday 3/22/04.	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Sending per request of the Watershed Manager. If you have any questions, feel free to contact our office.

Thank-you.

Cris

P.S.
Everyone will also receive a highlighted copy via USPS

SUITE 205 • 1 KEUKA BUSINESS PARK • PENN YAN, NY 14527
PHONE: 315-536-0917 • FAX: 315-536-2389
PAUL BAUTER, WATERSHED MANAGER CRIS WHITE, CLERK/RMO

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it adopted by the Keuka Watershed Improvement Cooperative, Board of Directors, March 22, 2004.

AUTHORIZING THE CHAIRPERSON TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES BY RICHARD OSGOOD.

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RESOLVED: That the Chairman is authorized to execute on behalf of the Keuka Watershed Improvement Cooperative the agreement for engineering services with Richard Osgood in the form presented to the meeting.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the NYS Code Council for review and approval if necessary.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by _____ Seconded by _____

Vote by roll call as follows:

Ayes _____ Nayes _____

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting March 22, 2004.

3/22/04_____KWIC Clerk/RMO

Service Agreement
Between
Keuka Watershed Improvement Cooperative
And
Richard Osgood

This AGREEMENT was made on March 22, 2004 between Keuka Watershed Improvement Cooperative (KWIC) and Richard Osgood at 102 Walnut Street, Penn Yan, NY 14527.

Services To Be Performed: Richard Osgood agrees to perform the following services for Keuka Watershed Improvement Cooperative.

1. To provide general direction, review and approval of onsite wastewater treatment systems planned by Paul Bauter, KWIC that require designs by a professional engineer licensed in New York State.
2. To provide general direction, review and approval of evaluations of existing onsite wastewater treatment systems inspected by Paul Bauter, KWIC that require evaluations by a professional engineer licensed in New York State.

Term of Agreement: This agreement shall remain in affect until terminated by either party subject to a 14-day notification of termination and shall be reviewed annually for any amendments or a revised agreement.

Payment: In consideration of Mr. Osgood's performance of these services, Keuka Watershed Improvement Cooperative agrees to pay Richard Osgood as follows:

1. To provide general direction, review and approval of onsite wastewater treatment systems planned by Paul Bauter, KWIC that require designs by a professional engineer licensed in New York State.
   i. $150.00 per individual plan

2. To provide general direction, review and approval of evaluations of existing onsite wastewater treatment systems inspected by Paul Bauter, KWIC that require evaluations by a professional engineer licensed in New York State.
   i. $75.00 per individual evaluation

Invoices: Richard Osgood shall submit invoices for all services performed.

Independent Contractor: The parties intend Richard Osgood to be an independent contractor in the performance of these services. Richard Osgood shall have the right to control and determine the method and means of performing the above services; Keuka Watershed Improvement Cooperative shall not have the right to control or determine such methods or means.

Insurance: Richard Osgood shall provide evidence of insurance for such services to protect Keuka Watershed Improvement Cooperative.

Other Clients: Richard Osgood retains the right to perform services for other clients.

Assistants: Richard Osgood at Richard Osgood's expense, may employ such assistants, as Richard Osgood deems appropriate to carry out this agreement. Richard Osgood will be responsible for paying such assistants, as well as any expense attributable to such assistants, including income taxes, unemployment insurance, and social security taxes, and will maintain workers' compensation insurance for such employees.

Equipment and Supplies: Richard Osgood, at Richard Osgood's expense, will provide all equipment, tools, and supplies necessary to perform the above services, and will be responsible for all other expenses required for the performance of those services.

Richard Osgood, owner	Tom Chadwick, Chairman of KWIC
_____	_____
signature	*signature*

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it adopted by the Keuka Watershed Improvement Cooperative, Board of Directors, March 22, 2004:

RESOLVED: THAT KEUKA WATERSHED IMPROVEMENT COOPERATIVE FEE SCHEDULE BE AMENDED TO READ AS FOLLOWS:

Site Evaluation for Existing Onsite Wastewater Treatment Systems performed by local Watershed Inspectors – Fee (if any) to be determined by local municipality.

Site Evaluation	$100.00
Construction Permit, Standards provided by Watershed Manager under the direction of the contracted professional engineer (1)	$250.00
Construction/Operation Permit (existing onsite system evaluation under the direction of the contracted professional engineer)	$75.00
Construction Permit, Engineer's design reviewed by Watershed Manager	$75.00
Construction Permit Renewals (prior to present permit expiration)	$30.00
Construction Permit for repair to existing absorption areas	$30.00
Extension for Construction Permit (60 days) (2)	No Fee

(1) Other systems: holding tanks, composters, chemical and recirculating toilets, incinerator toilets, and sanitary privies shall require just the permit fee unless a site investigation for soils is required. Holding tanks that just need a replacement for an existing tank shall be performed through the municipal watershed inspector in the same manner as a septic tank replacement.

(2) An extension for a permit may be granted if one major component of the system is in the ground and they apply for the extension prior to the permit expiring.

RESOLVED, That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by _____, Seconded by _____.
Ayes: ____ Nayes: ____

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting March 22, 2004.

3/22/04 _____KWIC Clerk/RMO

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it adopted by the Keuka Watershed Improvement Cooperative, Board of Directors, March 22, 2004.

AUTHORIZING POLICY AMENDMENT NUMBER 10 CONSISTING OF REVISIONS OF PROTOCOL AND A FORM FOR SITE EVALUATION FOR EXISTING ONSITE WASTEWATER TREATMENT SYSTEMS TO REPLACE AMENDMENT NUMBER 9.

WHEREAS, The establishment of such policy would be in the best interest of the citizens of the Keuka Watershed Improvement Cooperative for compliance with NYSDOH Fact Sheet dated 1/13/04 (Need for Licensed Design Professional – Residential Onsite Wastewater Treatment Systems).

RESOLVED: That KWIC will utilize the revised protocol and form KWIC011603 of Amendment number 10 for site evaluation for existing onsite wastewater treatment systems as attached. Present use of existing inspection forms and sketch shall be continued. Amendment number 9 is hereby cancelled.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the NYS Code Council for review and approval if necessary.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by _____ Seconded by _____

Vote by roll call as follows:

Daryl Jones	Town of Jerusalem
Marilyn Baldrige	Town of Wayne
William Weber	Town of Pulteney
Doug Marchionda	Village of Penn Yan
Eileen Farnan	Town of Barrington
Jack Snow	Town of Milo
Tom Chadwick	Town of Urbana
Vince Domeraski	Village of Hammondsport

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting March 22, 2004.

3/22/04_____KWIC Clerk/RMO

KWIC POLICY AMENDMENT NUMBER 10
KWIC Site Evaluation for Existing Onsite Wastewater Treatment System Protocols

(Formerly KWIC Policy Amendment Number 9 Revised to comply with NYSDOH Fact Sheet dated 1/13/04; revising the 75% to 100% on the separation distances required- Part II question number 6 of form KWIC011603 and subsection number 2. of section A failed system is a system where a component or all of the components of the system fail to function properly)

The purpose of this protocol is to uniformly address the issue concerning a properly functioning existing onsite wastewater treatment system relating to conversions (refers to alterations, repairs that exceed 50% of the replacement cost and additions that do not require additional demand on the existing onsite wastewater treatment system). Where this protocol conflicts with any state, federal, or local standard the stricter standard shall govern. This amendment will not alter the job descriptions or responsibilities of the watershed manager or the watershed inspectors. All present forms and sketches shall be used in the evaluation.

The KWIC Watershed Manager has been performing the site evaluations for existing onsite wastewater treatment systems. If Watershed Inspectors are to be utilized to assist the Watershed Manager in performing the site evaluations for existing onsite wastewater treatment systems, the protocol used by the Watershed Manager needs to be in written form for uniform compliance.

Form KWIC011603 was developed to provide a systematic flow for evaluating existing onsite wastewater treatment systems for compliance with the Building Code of New York State and the Local Wastewater Management Regulations of the Keuka Watershed Improvement Cooperative. Local Wastewater Management Regulations state "No person shall build, erect, construct, expand, enlarge, add bedrooms or convert to another use any structure or system that is subject to the provisions of this law and involves wastewater discharge without first obtaining a Wastewater System Construction Permit." The New York Department of State, Codes Division has indicated that an existing onsite wastewater treatment system shall be upgraded upon additional wastewater demand or system failure. The Plumbing Code of New York State, Section 102.2, states "Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system." To comply with these provisions in a uniform manner throughout the cooperative it is necessary to define a failed system (functioning adequately or properly).

A failed system is a system where a component or all of the components of the system fail to function properly. A properly functioning septic tank or treatment unit will reduce pollutant levels and produce an effluent of fairly uniform quality. For a soil absorption system to function properly it must:

1. Provide enough application area. The application area is the amount of surface area provided by the particular drainage system (side areas of absorption units) where sewage effluent is applied to the soil. The amount of application area needed for a given house depends on the characteristics of the soils on the property and the daily flows (in gallons) generated from the house. The anticipated flow from a house is usually based upon the number of bedrooms in the dwelling.
2. The SAS must be surrounded by natural soil conditions that will treat and disperse the effluent discharge without becoming saturated or organically overloaded. The current standard separation distances are those of Appendix 75-A, "Wastewater Treatment Standards – Individual Household Systems", contained in Title 10, chapter 2, part 75 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Form KWIC011603 for site evaluations of existing systems provides for an administrative waiver range for the separation distances from wells, surface water and or drainageways to within 100% of current standards

To adequately determine the functional condition, an inspection of an existing onsite wastewater treatment system shall consist of, but not be limited to the following:

1. Interior plumbing check- visual, flow checks
2. Septic tank or primary treatment unit
   a. Located and uncovered
   b. Amount of cover checked
   c. Level check
   d. Baffle check
   e. Capacity check
   f. Pumped and checked for groundwater contamination
   g. If treatment unit, check operation as per manufacturer

3. Pump station, if equipped
   a. Capacity check
   b. Location
   c. Amount of cover checked
   d. Pump operating within planned range
   e. High water alarm-satisfactory

f. Flow back checked

4. SAS uncovered (seepage pit cover, drop boxes, or distribution box)
   a. Fluid levels checked
   b. Condition of box or pit
   c. Location
   d. Size of SAS
   e. Surface condition checked
   f. Previous high water stains checked
   g. Groundwater condition checked

5. Locations of wells, surface water bodies and drainage ways check

Form KWIC011603 provides the watershed evaluator an efficient and orderly manner to evaluate the onsite wastewater treatment system. Part I answers, refer to additional demands on the wastewater treatment system such as additional bedrooms, garbage grinders, interior plumbing changes, and hot tubs. Positive answers for additional demands on the wastewater treatment system require compliance with Appendix 75-A of the New York State Health Law and refer the evaluation to the watershed manager. After the watershed manager's evaluation, the owner may be referred to a professional engineer for an onsite wastewater treatment system plan.

Part II of the evaluation form is more complex. In order to simplify the evaluation a section of definitions is the next step in the protocol.

Definitions:

Current standard separation distance (Appendix 75-A) refers to Table 2 of Appendix 75-A, Wastewater Treatment Standards – Individual Household Systems (Statutory Authority: Public Health Law, 201(1)(1)). Any revision or update by New York State shall replace these standards from that time on.

Dye tests involve flushing a special florescent dye down a toilet or other drain. If wastewater is coming to the surface (an unsanitary condition indicating serious septic failure) one may see dye in that water, provided the septic system is flowing at common rates. When suspect wet areas are observed we strongly recommend that the inspector perform a dye test. A sufficient volume and concentration of dye shall be used to fully stain the capacity of the septic tank. The owner shall furnish sufficient amount of water to duplicate the hydraulic loading of the system.

Encroachments are structures or land uses that impede the planned function of the soil absorption system (SAS).

Excessive amounts of effluent draining back refer to a pressurized system that is pumping effluent to a SAS. The amount of drain back that is satisfactory is the amount the effluent line from the pump to the SAS contains.

Groundwater subsurface water occupying the saturation zone from which wells and springs are fed.

Groundwater contamination for site evaluations that do not include a deep hole soil investigation, shall include the following: visible groundwater entering the pit or absorption trench above the static fluid level or if a clear water current can be detected visibly.
Groundwater levels for site evaluations that include a deep hole soil investigation can be detected by the excavation if done during the wet season or by the presence of mottled soils.

Inadequate refers to the condition **(unsatisfactory)** of a system or component that is defective and not functioning as planned. This may refer to undersized, cracked, plugged, not fitting within the range for intended operation, and/or limiting the operation of the system or component.

One day's storage refers to the volume of wastewater generated by the household based on the number of bedrooms and the plumbing fixtures. For structures other than households refer to the DEC Design Standards for Wastewater Treatment Works 1988.

Open pipe discharge refers to any pipe discharging to the surface, either direct fixture discharge or acting as an overflow pipe.

SAS is the soil absorption system such as conventional trenches, absorption beds, raised fills, and seepage pits.

Satisfactory is the condition of a system or component of the system that is operating as planned, handling the intended hydraulic load in safe and proper manner for the protection of the environment and the public health.

Static effluent level is a sustained level.

Structurally unsatisfactory is rotted, weathered to a weak condition, disfigured from original shape, brittle from age, chemical reaction damages