

severe, or similar conditions that may effect the safety or operation of the component. Seepage pits with wood, metal or stone pits are unsatisfactory.

If any of answers to questions 1 through 13 are yes, the site evaluation is referred to the watershed manager for further site evaluation. The further evaluation will usually involve soils investigation. A complete new system or correcting components of the system may be the corrective actions required.

Part III consist of items normally covered by the local watershed inspector and corrective actions, if needed are permitted by the inspector.

If all of the questions in Part III are answered yes and the questions in Parts I & II have not caused the site evaluation to be referred to the watershed manager, then the site evaluation shall serve as a satisfactory report for the onsite wastewater treatment system construction/operation permit.

Any damages to the onsite wastewater treatment system resulting from the building construction nullify the site evaluation. Care shall be emphasized during building construction to prevent damage to the wastewater treatment system.

The inspector at this point is certifying that (he or she) has observed and affirmed the information on the form to be true to the best of their knowledge and belief.

KWIC011603

### Keuka Watershed Improvement Cooperative Site Evaluation for Existing Onsite Wastewater Treatment System

Name \_\_\_\_\_ Location \_\_\_\_\_ Date \_\_\_\_\_  
 Town \_\_\_\_\_ Tax Map Number \_\_\_\_\_  
 Purpose \_\_\_\_\_ Inspector \_\_\_\_\_

**Disclaimer:**  
 This inspection report indicates the present condition of the private onsite wastewater treatment system based on recommended inspection procedures outlined in this report. The results of this inspection do not guarantee or warranty future performance. The inspection report excludes and does not intend to cover components that are inaccessible, unobservable, or unable to be verified.

**PART I**

If vacant, how long \_\_\_\_\_ days Are there water saving fixtures? Yes no

Number of bedrooms in existing structure \_\_\_\_\_ Number of bedrooms in improvement \_\_\_\_\_

List any additional demands on the wastewater treatment system (i.e. replumbing, hot tub, garbage grinder)

If there is an additional demand on the wastewater treatment system by increased bedrooms, additional plumbing or other additional demands on the wastewater system, refer the site evaluation to the watershed manager for a more complete site evaluation.

**PART II**

- |     |  |     |    |
|-----|--|-----|----|
| 1.  | Is the septic tank pumped multiple times per year?   | YES | NO |
| 2.  | Is there a backup of effluent in the septic tank caused by the SAS (soil absorption system)?   | YES | NO |
| 3.  | If a pump station system, are there excessive amounts of effluent Draining back into the pump station or is the pump station inadequate? | YES | NO |
| 4.  | Is there significant evidence of high water levels in the septic tank, distribution box, or seepage pit?                                 | YES | NO |
| 5.  | Are there encroachments on the SAS (i.e. structures, driveways)?   | YES | NO |
| 6.  | Is the SAS less than 100% of the current standard separation distance (Appendix 75-A) of surface water, drainageway or well?             | YES | NO |
| 7.  | Does the onsite wastewater treatment system extend beyond the Parcel without legal easement as identified by others?                     | YES | NO |
| 8.  | Are solids carried over into the distribution box above the outlets?   | YES | NO |
| 9.  | Is the static effluent level in the distribution box above the outlet?   | YES | NO |
| 10. | If there is a seepage pit, is it structurally unsatisfactory?  | YES | NO |
| 11. | Is effluent surfacing, open pipe discharge or did the system fail a dye test?  | YES | NO |
| 12. | Is the SAS at a depth exposing it to groundwater?  | YES | NO |
| 13. | Is there less than 12 inches freeboard or less than one day's storage in the seepage pit or absorption area?                             | YES | NO |

If any of the above questions (1 through 13) are answered yes, refer the site evaluation to the watershed manager for a more complete site evaluation.

**PART III**

- |     |   |     |    |
|-----|---|-----|----|
| 14. | Is all surface runoff diverted away from the septic tank and SAS?           | YES | NO |
| 15. | Are the house sewer pipe and effluent pipe in satisfactory condition?       | YES | NO |
| 16. | Is the septic tank the appropriate size?                                    | YES | NO |
| 17. | Are the baffles in satisfactory condition?                                  | YES | NO |
| 18. | Is the septic tank soil cover satisfactory?                                 | YES | NO |
| 19. | Is the septic tank structurally sound and sealed?                           | YES | NO |
| 20. | Is the distribution box and/or seepage pit cover in satisfactory condition? | YES | NO |

KWIC011603

**Keuka Watershed Improvement Cooperative  
Site Evaluation for Existing Onsite Wastewater Treatment System**

21. Is the pump station's size adequate?

YES

NO

Remarks: \_\_\_\_\_  
\_\_\_\_\_

If any of the above questions in Part III are answered no, the watershed inspector shall issue a wastewater permit for the corrective action. If all of the above questions in Part III are answered yes and questions in Parts I & II have not caused the site evaluation to be referred to the watershed manager, this report shall serve as an adequate report for the onsite wastewater treatment system construction/operation permit. Damages to the onsite wastewater treatment system resulting from building construction nullify this site evaluation.

I hereby affirm that the information provided on this form has been observed and the submitted information is accurate to the best of my knowledge and belief.

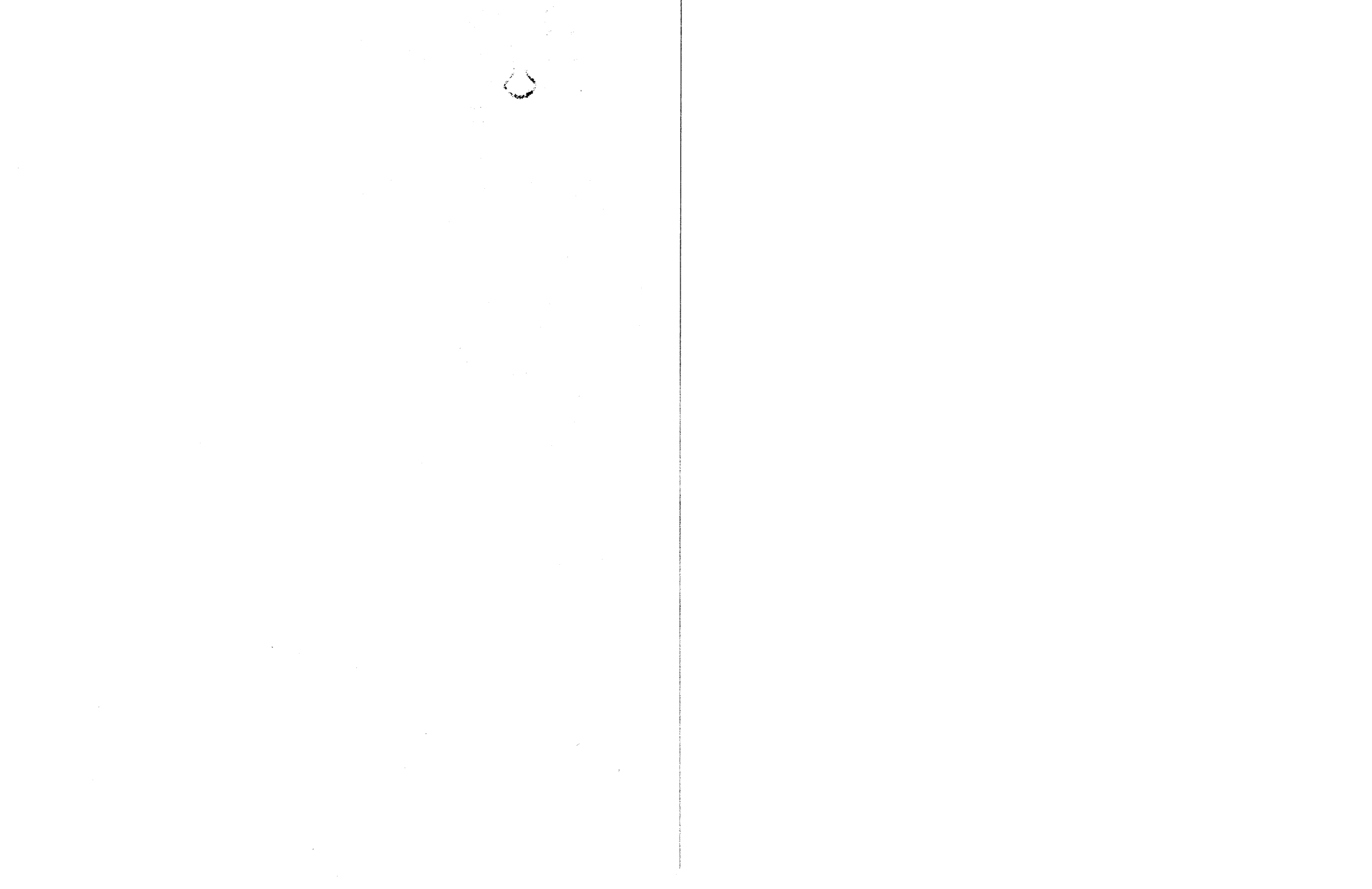
\_\_\_\_\_  
(Inspector's signature)

\_\_\_\_\_  
(Date)

Reviewed by:

\_\_\_\_\_  
(Watershed Manager's signature)

\_\_\_\_\_  
(Date)



# PULTENEY

William A. Weber  
Town Supervisor  
PO Box 214  
Pulteney, NY 14874

Phone: 607-868-4222  
Fax: 607-868-4010  
Cell: 607-738-1547

KEUKA LAKE

## MEMO TO THE PULTENEY TOWN BOARD

CC: Atty for the Town  
Town Clerk  
CEO  
Zoning Officer  
Planning Board  
Health Officer

21 April 2004

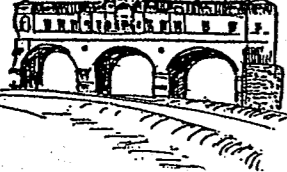
With all our discussions of late relating to Waste Water Disposal and KWIC, I thought it prudent to refresh our memories of the existing Town of Pulteney Local Law no. 6, 1992, entitled WASTE WATER MANAGEMENT, enclosed herewith along with the Jan 13, 2004 NYS Dept. of Health FACT SHEET.

I particularly draw your attention to para. 12.

William A. Weber

Encl.

PULTENEY BRIDGE  
BATH, ENGLAND



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

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

County  
City of .....Pulteney.....  
Town  
Village

Local Law No. ....6..... of the year 19 ..92

A local law ...WASTEWATER MANAGEMENT.....  
(Insert Title)

Be it enacted by the ...Town Board.....of the  
(Name of Legislative Body)

County  
City of ...Pulteney..... as follows:  
Town  
Village

see attached

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

## §1. PURPOSE

The purpose of these regulations is to preserve and protect the quality of Keuka Lake and surface and groundwater in the Town of Pulteney. These standards are established to ensure adequate performance of wastewater treatment systems, to protect public health and to optimize the effectiveness of the systems at removing nutrients from wastewater.

## §2. APPLICABILITY

The provisions of these rules shall be in effect throughout the Town of Pulteney and apply to all wastewater treatment systems not subject to permits issued by New York State Department of Environmental Conservation or Health.

## §3. SEVERABILITY

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.

## §4. DISPOSAL OF WASTEWATER

(A) Wastewater from any new construction shall be discharged directly into a public wastewater disposal system if such a system is available and accessible within 100 feet of the property or properties upon which the new construction is situated.

(B) If no public wastewater disposal system is available and accessible, wastewater must be treated by a wastewater treatment system approved by a regulatory officer.

## §5. WATER QUALITY PROTECTION ZONES

(a) Two zones are hereby established for the protection of water, public health and safety.

(b) Zone One shall be known as the Critical Water Protection Zone and includes all land within 200' of the main high water mark of a watercourse or lake.

(c) Zone Two includes all lands in the Town of Pulteney not within Zone One.

## §6. DISPOSAL OF EXCRETA

(A) No untreated wastewater shall be deposited released or allowed to escape into any body of water, the surface of the ground, or be allowed to wash over the surface of the ground.

(B) No human excreta removed from a wastewater storage or treatment system may be disposed of or deposited on or in the ground other than in accordance with a valid permit issued by the New York State Department of Environmental Conservation.

(C) Any septic tank or holding tank that shows any sign of

leaking must be repaired or replaced within the time period specified by §13.

#### §7. STANDARDS FOR WASTEWATER SYSTEMS FOR NEW CONSTRUCTION

(A) Wastewater systems for new household construction shall be designed in accordance with New York State Department of Health Administrative Codes, Rules and Regulations Appendix 75-A. The definitions contained in Appendix 75-A shall also apply to these regulations.

(B) Wastewater 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).

#### §8. STANDARDS FOR REPLACEMENT WASTEWATER SYSTEMS

(A) Construction of replacement wastewater systems may be designed and must be installed under the direction or the regulatory officer or a design professional. Replacement systems shall be designed and installed according to the provisions of Appendix 75-A, if possible.

(B) On limiting site conditions, the regulatory officer shall utilize best practicable technology or require the system be designed and installed under the direction of a qualified, licensed engineer. A holding tank may be constructed under the supervision of the regulatory officer as described in Section §19.

(C) Households served by replacement systems may be required to have DEC certified water conservation fixtures prior to the issuance of a "Permit to Operate".

(D) 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 sanitary privy, other non-waterborne systems as described in Appendix 75-A, design a system, or request that an engineered system be designed when site conditions are limiting.

(E) Wastewater systems for replacement commercial or institutional construction may be designed according to the New York State Department of Environmental Conservation guidelines in "Standards for Waste Treatment Works --Institutional and Commercial Sewage Facilities" or current reference.

#### §9. WASTEWATER SYSTEM INSPECTIONS AND SURVEYS

(A) The regulatory officer shall make regular and thorough inspections of wastewater treatment systems in the Town for the purpose of determining the condition, operation and adequacy of such systems.



(B) Whenever it shall appear to the regulatory officer that a wastewater system is not in compliance with the requirements of this chapter, or the laws of the State of New York. The regulatory officer shall send the owner of the wastewater system a written Notice of Violation specifying the nature of the violation and the required corrective action.

(C) Upon receipt of the Notice of Violation, the owner of the water system shall obtain a wastewater system construction permit, permitting the corrective action required. The owner shall complete the work specified within the time frame required by Article 13 hereof.

(D) The regulatory officer shall, by mail, conduct a preliminary survey of all systems in the Town. This survey shall be completed within three years of this law's effective date.

(E) Upon completion of the survey, systems in Zone One shall be scheduled for inspection and inspected thoroughly at least once in every succeeding five year period, except for systems installed after the effective date of this law.

(F) Systems installed after the effective date hereof shall be inspected as follows:

(i) Holding tanks shall be inspected no sooner than one year after installation, and thereafter as otherwise required by this chapter.

(ii) Other wastewater systems shall be inspected no sooner than five years after installation of the system is complete, and thereafter inspections shall be made as otherwise required.

(iii) Upon transfer of ownership or complaint.

(G) Every owner of a wastewater system shall provide the regulatory officer information about the wastewater system upon request.

#### §10. WASTE WATER SYSTEM INSPECTIONS

A) Except as provided below, ten days prior to transference of legal or equitable title to any real property, all septic and septate holding tanks on that property or servicing the property must be pumped out by a person with a valid waste transporter permit issued pursuant to §27-0301 of the ECL, and inspected by the regulatory officer.

The property owner must provide the regulatory officer at least two business days advanced notice of the necessity for an inspection.

At least ten days prior to transference of legal or equitable title of any real property, any absorption or filtration area(s) or systems must be inspected and evaluated by the regulatory officer.

If a lender or creditor requires a property owner to obtain an inspection of a wastewater system as part of a refinancing agreement for property located in a Keuka Lake Watershed and Town of Pulteney, a regulatory officer shall perform the inspection.

If a wastewater system is determined to be failing or inadequate, the regulatory officer shall send the owner of the property a written Notice of Violation. The property owner must obtain a Construction Permit to correct the violation under this chapter prior to the transfer of title to the property.

For aerobic systems, the new owner of the property must send a signed copy of the service contract covering the aerobic system within 30 days after transfer of ownership of the property.

Only regulatory officers of the Keuka Lake Watershed Commission are authorized to conduct the inspector specified under the Article.

If a septic or holding tank has been pumped out by a permitted waste hauler, and in conjunction therewith, and inspected by the regulatory officer, within one year prior to transfer of ownership of the property, then the pumping and inspection specified pursuant to paragraph (a) of this Article shall not be required.

#### §11. SEPTIC TANK INSPECTIONS - Regular Septic Tank Inspection

A) All septic tanks located in Zone One shall be inspected by a regulatory officer at least every three to five years to ensure that the baffles are adequate, check for holes or cracks and to determine if the contents of the tank need to be pumped out.

B) If the depth of the sludge and scum in a septic tank exceeds one third of the liquid depth, as demonstrated to the regulatory officer by property owner as occupant, tank must be pumped by a permitted waste hauler at the property owners expense.

C) Physical measurement of the contents will not be required provided the tank is pumped by a person holding a valid waste haulers permit issued by DEC pursuant to §27-0301 et seq of the Environmental Conservation Law, and the tank is approved by the regulatory officer.

D) If the regulatory officer determines that a septic tank has insufficient volume to meet the system use and capacity standards, the property owner shall be required to install additional tank volume.

E) Any person who shall pump or empty a septic tank shall

send a Septic Tank Pumping Inspection Form to the regulatory officer and the Keuka Watershed Improvement Commission. This form shall verify the tank was pumped, its location and describe all other maintenance or work completed.

#### §12. WASTEWATER SYSTEM CONSTRUCTION PERMIT

(A) No construction of new or replacement wastewater systems shall be commenced until an application for a "Wastewater System Construction Permit" is reviewed and a permit is issued by the regulatory officer.

(B) 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. Building expansions which do not alter property wastewater discharge, such as the building of a deck or garage, are exempt.

(C) Construction of a system shall be in accordance with the specifications approved in the Wastewater System Construction Permit.

(D) No element of the system shall be covered until inspected and approved in accordance with the Wastewater System Construction Permit. Covered work shall be uncovered to permit inspection whenever considered necessary by the regulatory officer.

(E) The regulatory officer shall be notified a minimum of two business days prior to the requested inspection date.

(F) A Wastewater System Construction Permit shall be valid for up to one year.

#### §13. COMPLIANCE FOR REPLACEMENT WASTEWATER SYSTEMS

(A) Where a written Notice of Violation has been issued for an inadequate wastewater system or component thereof, corrective action according to an approved Wastewater System Construction Permit must be completed within 6 months.

(B) Where the regulatory officer determines that a violation is an imminent hazard to health or safety, the violation must be corrected within the time which the regulatory officer may specify; however, corrective action must be completed no later than 60 days of the Notice of Violation.

#### §14. PERMIT TO OPERATE

No wastewater system shall be placed in operation, or any new building, structure or mobile home be occupied, until a "Permit to Operate" has been issued indicating that such system has been constructed in compliance with the Wastewater System Construction

Permit.

§15. HOLDING TANKS

(A) Holding tanks are allowed for replacement systems only and must be approved by the regulatory officer.

(B) Newly installed holding tanks shall: 1) be vehicle accessible; 2) have an access port above grade not to exceed 8" in diameter; 3) have a capacity of four days storage based upon design flow of 150 gallons/bedroom/day; 4) have an audio or visual float alarm; and 5) have anchoring devices for areas where seasonal high water table are evident from soil investigations.

(C) 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 48 hours notice prior to the inspection date.

(D) All existing holding tanks shall be equipped with an acceptable alarm device to alert the property owner that the tank is filled within 12 inches of the inlet pipe.

(E) Holding tanks shall be pumped by a New York State licensed septic tank pumping contractor when the tank is a minimum of 12" of the inlet pipe and documentation shall be sent to the Keuka Watershed Improvement Commission annually by the contractor.

§16. AEROBIC TANKS

(A) Only Class I aerobic tanks 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 sited and designed filtration and/or absorption area approved by the regulatory officer. A permit from the DEC and a SPDES permit are required for surface discharge.

(B) 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.

(C) All aerobic tanks shall be wired and constructed so that electrical disconnection of the aerobic tank will result in closure in the sewer line and eventual system back-up.

(D) All aerobic tanks must have a continuous maintenance contract agreement with an authorized service contractor. Each aerobic unit shall be inspected at least two times a year by an authorized service contractor. All service contracts must be sent to the Watershed Department annually to verify that a continuous

contract exists for the aerobic tank. The service contractor shall have aerobic unit effluent tested by a certified laboratory to determine that the unit conforms with manufacturer's treatment specifications as required by the regulatory officer.

#### §17. PENALTIES

(A) Written Notice of Violation shall be issued to any property owner with a wastewater disposal system found in violation of these rules and regulations, stating the date(s) by which corrective action shall be completed. Any violation beyond that date shall be punishable by a fine not to exceed \$250 and/or imprisonment not to exceed 15 days per day of violation.

(B) Each week of violation shall be considered a separate offense. In the event of continued violations, the regulatory officer may apply for an injunction or other relief including property condemnation from the appropriate court or Municipality Board.

(C) In the event that the Municipality institutes proceedings either in local court or in supreme court to enforce the provisions of this statute, the offending parties shall be liable for all attorney fees, costs and disbursements incurred by the Municipality in bringing said enforcement proceedings. Nothing herein shall prevent the imposition of more severe penalties otherwise provided for by local, state or federal law.

#### §18. FEES

A fee will be set by the Keuka Watershed Improvement Commission and adjusted as needed to be charged for each Wastewater System Construction Permit and Wastewater System Inspection by the regulatory officer.

#### §19. DEFINITIONS

1. "Agent or Agents Thereof" shall mean a person requested, employed or contracted by any owner or owners, occupant or lessee to construct, repair, or perform excavation for the installation of a receptacle or sewage disposal facility or element within said facility.

2. "Construction Permit" shall mean a permit issued prior to construction or repair of a sewage disposal facility to serve any building, structure, or mobile home specifying the type, capacity and location of each element of the said facility in accordance with this Local Law. Said construction permit shall expire one year after date of issuance. Said permit shall comply with Article 9, Section G of the Uniform Fire Prevention and Building Code.

3. "Distances" shall mean the shortest horizontal linear distance from the nearest point of structure or object to the high water.

mark of the nearest watercourse or the edge, margin or top of a precipitous bank forming the mean high water mark of a watercourse. In this regard the mean high water mark of Keuka Lake shall be 715.15 feet above sea level.

4. "Element" shall mean any part or parts thereof comprising a sewage disposal facility.

5. "Human excreta" shall mean feces, urine or other excretions. It shall include the contents of receptacles, septic tanks, seepage pits and privies.

6. "Person" shall mean an individual, firm, corporation, association, partnership, or municipality and agents, employees and servants thereof.

7. "Privy" shall mean a facility or structure for urinating or defecating which is not flushed. This shall include chemical toilets.

8. "Receptacle/Holding Tank" shall mean watertight structures or containers purpose of storage or disposal of human excreta and/or sewage, other than a sewage disposal facility.

9. "Regulatory Officer" shall be a person established by the Pulteney Town Board to administer and enforce the Wastewater Law of the Town of Pulteney. He shall be deemed to be the authorized representative of the Town Board of the Town of Pulteney, and may also be referred to as the Code Enforcement Officer.

10. "Septic Tank" shall mean a watertight structure usually constructed of concrete. Its purpose is to partially clarify sewage by retaining a substantial portion of the solids. The flow of sewage from the house is slowed up in its sewage through the tank so that the gross solids will settle to the bottom and accumulate as sludge. The finer particles will remain in suspension and pass out of the tank with the liquid. Scum and other floating solids are retained in the tank by means of a baffling device.

11. "Sewage" shall mean water liquids containing human excreta and decomposing matter, wastes liquid from bathrooms, kitchens, laundries, or polluted liquids of any kind in or from the drainage system or sewer of a domestic dwelling or any structure occupied for commercial, recreational, institutional or industrial purposes.

12. "Watercourse" shall mean a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land

occasioned by unusual freshets or other extraordinary causes.

13. "Watershed" shall mean that body of land from which or through which water drains into a watercourse within the Town of Pulteney.



## FACT SHEET

### Need for Licensed Design Professionals - Residential Onsite Wastewater Treatment Systems

**Purpose:** Provide guidance to regulatory officials and interested parties regarding the need for a licensed professional engineer or architect to design residential onsite wastewater treatment systems (OWTSs). The State Education Department has reviewed this document with the State Department of Health and offers the following as guidance in applying the requirements of the New York State Education Law relating to the design of OWTSs.

**Licensed Design Professional:** The Department of Health and the State Education Department recognize that, generally, OWTS design activities come within the definition of the practice of professional engineering or architecture under Article 145 or 147 of Title VIII of the New York State Education Law and that OWTS designs must be prepared by a design professional appropriately licensed or otherwise authorized under such law. Please be advised that licensees providing OWTS design services must be qualified to provide those services based upon education, training, and experience. Any licensee providing services that they are not qualified to provide may be subject to professional misconduct charges. OWTS design activities include the evaluation of surface and subsurface site conditions at a defined parcel of land, which may include the investigation of soil characteristics, the performance of soil percolation tests, the determination of subsurface boundary condition and depths, the measurement and recording of existing surface features both natural and manmade, and the subsequent application of these data and the data related to proposed wastewater generation to design an OWTS. These activities generally fall within the scope of practice of professional engineering or architecture.

**New Residential Construction:** The design of all new residential OWTSs (including conventional systems) shall be performed by an appropriately licensed design professional, as defined above. The design may also be issued/approved by county health departments where such issuance/approval is performed and authorized by an appropriately licensed design professional on staff. Private practice engineers and architects, and engineering and architectural firms with appropriately licensed design professionals may also provide such services.

**Additions or Alterations:** An OWTS evaluation shall be performed and submitted by a licensed design professional for home alterations resulting in an increase in the number of bedrooms, for complete home replacements (including those resulting in the same number of bedrooms) and for alterations resulting in significant increases in wastewater generation. The evaluation must document if the existing OWTS complies with applicable State and local design standards, if the OWTS and its components are in satisfactory condition and functioning properly and if the existing OWTS can properly treat the proposed increase in wastewater generation. If the existing OWTS does not comply with regulatory design standards or needs significant modification, the licensed design professional shall prepare plans and oversee the installation of the alterations to the OWTS. This may include incorporating appropriate mitigative measures and/or designs as such ordinarily come within the scope of practice of professional engineering.

**Repairs and Replacements:** The repair or replacement of OWTS components "in kind" or "like-for-like" may not require the involvement of a licensed design professional. However, repair or replacement of any

01/13/04



type of absorption field that involves relocating or extending an absorption area to a location not 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



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

HORNELL DISTRICT OFFICE, 107 Broadway, Hornell, NY 14843

Phone: 607-324-8371 Fax: 607-324-5121

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner*

January 11, 2005

Mr. Paul Bauter, Manager  
Keuka Watershed Improvement Cooperative  
Suite 205, One Keuka Business Park  
Penn Yan, New York 14527

Dear Mr. Bauter:

We are pleased to inform you that the New York State Department of Health (NYSDOH) hereby renews the waivers of Appendix 75, Section 75-A.9 (a) (1) to the Keuka Watershed Improvement Cooperative (KWIC) for use of an intermittent sand filter with a downstream modified shallow absorption trench system (as designed by Fagan Engineers in October, 1996 – copy of previously approved plan attached) and for the use of an effluent pump station (as designed by Allen Engineering in July, 1997 – copy of previously approved plan attached) with the sand filter system and with the raised fill and aerobic treatment unit systems for which waivers are being granted with this letter.

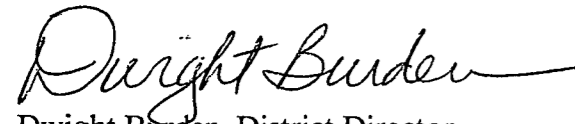
Furthermore, the NYSDOH hereby approves waivers of Appendix 75, Section 75-A.9 (a) (1) to KWIC for a raised fill wastewater treatment system and for an aerobic treatment unit with a downstream modified absorption trench system (as designed by Fagan Engineers in December, 2004 – copies of the approved plans attached). The waivers being renewed or granted with this letter are subject to the following conditions:

1. The waivers will remain in effect for five years from this date. The Department may rescind the waivers at any time due to unsatisfactory design application or performance. Renewal of the waivers is subject to review and approval by the Department.
2. Continuance of the waivers is contingent on the availability of KWIC staff who meet training and experience qualifications (as determined by the Department) for oversight of installations of the approved designs.
3. Copies of the plan, property sketch, approval, soil analysis, percolation tests, and sand analysis (if applicable) shall be maintained at the KWIC office and also at the municipal office in the jurisdiction where the system is installed. The Department reserves the right to review records and field activities during the life of the waiver.

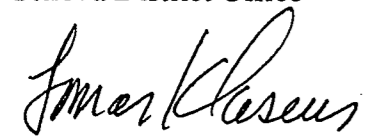
4. The installation of the approved systems is limited to sites meeting all slope and horizontal/vertical boundary conditions as specified in Appendix 75 of the New York State Sanitary Code, and to the Towns and Villages of the Keuka Watershed Improvement Cooperative.
5. A specific waiver must be obtained from the NYSDOH Geneva or Hornell District Office for sites where an alternative septic system is required, but where conditions cannot be met for the waived systems.

Please do not hesitate to contact the District Engineer at either the Geneva (315-789-3030) or Hornell District Office (607-324-8371) if you have any questions concerning the local waivers. We wish you success with use of these systems around Keuka Lake.

Sincerely,



Dwight Burden, District Director  
Geneva District Office



Tomas Klaseus, Acting District Director  
Hornell District Office

Cc: Mr. Ben Pierson, P.E., BWSP, NYSDOH  
Mr. Ralph VanHouten, Env. Health Director, Western Region, NYSDOH  
Mr. Dennis Fagan, P.E., Fagan Engineers

# KWIC Budget 2005

	2004	Tentative "2005"	difference	%
<b>Income</b>				
Fees	\$ 12,000	<b>\$20,000</b>	\$8,000	66.7%
Grants	\$ 1	<b>\$1</b>	\$0	0.0%
Barrington	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Hammondsport	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Jerusalem	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Milo	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Penn Yan	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Pulteney	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Urbana	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Wayne	\$ 7,400	<b>\$8,000</b>	\$600	8.1%
Surplus	\$ 2,539	<b>\$1,899</b>	(\$640)	-25.2%
<b>Total</b>	<b>\$ 73,740</b>	<b>\$85,900</b>	<b>\$12,160</b>	<b>16.5%</b>
<b>Expenses</b>				
Manager	\$ 39,140	<b>\$40,300</b>	\$1,160	3.0%
Clerk	\$ 4,800	<b>\$4,950</b>	\$150	3.1%
Records Manager	\$ 4,800	<b>\$4,950</b>	\$150	3.1%
FICA	\$ 3,700	<b>\$3,850</b>	\$150	4.1%
Retirement	\$ 1,000	<b>\$4,600</b>	\$3,600	360.0%
Treasurer	\$ 1,200	<b>\$1,200</b>	\$0	0.0%
Advertising	\$ 100	<b>\$100</b>	\$0	0.0%
Compensation	\$ 1,500	<b>\$1,500</b>	\$0	0.0%
Computer	\$ 3,000	<b>\$2,000</b>	(\$1,000)	-33.3%
Copies	\$ 800	<b>\$1,000</b>	\$200	25.0%
Legal	\$ 1,000	<b>\$1,000</b>	\$0	0.0%
Liability Ins.	\$ 2,500	<b>\$2,600</b>	\$100	4.0%
Mileage	\$ 3,200	<b>\$3,000</b>	(\$200)	-6.3%
Misc.	\$ 200	<b>\$200</b>	\$0	0.0%
Engineering		<b>\$8,000</b>	\$8,000	
Office Space	\$ 3,200	<b>\$3,200</b>	\$0	0.0%
Postage	\$ 900	<b>\$850</b>	(\$50)	-5.6%
Supplies	\$ 1,000	<b>\$1,000</b>	\$0	0.0%
Telephone	\$ 1,700	<b>\$1,600</b>	(\$100)	-5.9%
<b>Total</b>	<b>\$ 73,740</b>	<b>\$85,900</b>	<b>\$12,160</b>	<b>16.5%</b>

Notes. \$8000 engineering washout with \$8000 in fees.  
 Biggest increase is in retirement \$3600 or \$450 per municipality

IC ACTIVITY REPORT 1/1/2004 to 11/29/2004

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*Good*  
*Page 1*

ITEM	Barrington	Hammondsport	Jerusalem	Milio	Penn Yan	Putney	Urbana	Wayne	TOTAL GRAND
ZONE	1	2	1	2	1	2	1	2	1   2
Permit Applic	5	9	0	0	6	30	9	14	34   77
YTD	5	9	0	0	6	30	9	14	34   77
Permits Issue	5	8	0	0	6	30	9	15	34   73
YTD	5	8	0	0	6	30	9	15	34   73
Site Eval	3	1	0	0	3	12	3	8	24   37
YTD	3	1	0	0	3	12	3	8	24   37
Inspections	26	15	13	17	83	86	33	45	305   197
YTD	26	15	13	17	83	86	33	45	305   197
Property Trail	11	13	4	11	11	55	9	28	55   128
YTD	11	13	4	11	11	55	9	28	55   128
Construction	3	1	0	0	4	19	3	13	19   38
YTD	3	1	0	0	4	19	3	13	19   38
Tank Replace	1	0	1	5	1	6	0	4	8   19
YTD	1	0	1	5	1	6	0	4	8   19
Holding Tank	1	0	1	0	16	1	3	0	48   1
YTD	1	0	1	0	16	1	3	0	48   1

By 12/31  
130

# Onsite Wastewater Management: Responsible Oversight – an Examination of 3 Approaches

by Candace Balmer, Rural Community Assistance Program Solutions Water Resource Specialist

It seems a lot of people these days are talking about onsite wastewater management. Some are community leaders who would like to avoid the prohibitively high cost of central sewerage. Many are concerned about protecting a drinking water source, such as groundwater wells, or surface water in the form of a lake or reservoir. Others are trying to protect a recreational resource such as a lake or stream. Often, it is all of the above.

In New York State, there are a number of towns and villages that participate in some sort of onsite wastewater management program. Highlighted here are three different management structures that accomplish similar goals: responsible oversight of individual residential onsite wastewater treatment systems, commonly referred to as septic systems. Since in fact some systems are not “septic” at all, that is, they do use oxygen, and are thus “aerobic” in nature, in this article, all individual residential onsite wastewater treatment systems will be referred to as “onsites”.

The three management structures include a watershed approach, an intermunicipal agreement, and a town-wide solution. The Canandaigua Lake Watershed Rules and Regulations date back to the 1950's and are part of the NYS Public Health Law. Only portions of communities within the watershed are affected. The Keuka Watershed Improvement Cooperative, KWIC, was formed in 1993 by intermunicipal agreement. The eight participating communities encompass parts of more than one watershed. The Town of Huron initiated their management program in 1996. All onsite in the Town are subject to routine inspections.

## Canandaigua Lake Watershed

The Watershed Inspection Program is administered by the Ontario County Soil and Water Conservation District on behalf of the Canandaigua Lake Watershed Commission. The Commission consists of representatives from each of 5 municipalities that have public water systems supplied by Canandaigua Lake. Each of the five municipalities contributes to the \$65,000/year Canandaigua Lake Watershed Annual Operating Budget in an amount proportional to their water use. According to the Watershed Inspector George Barden, the inspection program accounts for probably less than 1% of people's total water bill.

Although funding for the Canandaigua Lake Watershed program comes mainly from the five municipalities that draw drinking water from the lake, the 174 square-mile watershed encompasses parts of twelve towns, two villages, and the City of Canandaigua, spread across four counties. At this time, one inspector is responsible for oversight of new construction anywhere in the watershed, including both new systems, and repairs or upgrades. He also inspects, at no charge to the homeowner, failing onsite. Says Barden, “People want to do what's right and fix their system, but they can be overwhelmed by the cost. Folks are very appreciative that they don't get a bill for the inspection along with their violation notice.”

Watershed charges for the inspection of new installations include \$150 for inspection of the deep hole and

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percolation test, \$50 for plan review, and \$50 for the final system inspection. Following a successful final site review, the homeowner is provided with a copy of the as-builts and a completed-works notice. At their own expense, the homeowner is also responsible for preparing the deep hole and percolation hole ahead of time, including the requisite pre-soaking. Backhoe operators in the area charge between \$50-70 per hour including travel time, so the homeowner can expect to pay somewhere between \$150-200 for the excavation.

Inspections may also be conducted upon property transfer for \$150. This is a pick-up business because deed transfer inspections are not required by the watershed regulations. These inspections account for less than 5% of the total although that number has been growing.

Between 2000 and 2003, the Watershed Inspector made an average of 627 site visits. Since many sites require multiple visits, it is estimated that between 100 and 150 properties are investigated annually. The annual budget is partially offset by fees generated and pays for the inspector's salary and benefits, vehicle, equipment, and supplies. The inspector's responsibilities include inspections, billing, budget preparation, equipment purchase, monthly Commission reports and annual DOH reporting. Recently the Commission has agreed to add another staff person, perhaps full-time.

There can be penalties for non-compliance. According to the Watershed Rules and Regulations, the Inspector can petition the local municipality to sit as the Board of Health under the State Sanitary Code. That Board has the authority to fine. Says Barden, "Only once in 14 years did the

Inspector not get voluntary compliance and had to bring the issue to the attention of the Town".

#### The Keuka Watershed Improvement Cooperative

Keuka Lake in the Finger Lakes Region supplies potable water for over 20,000 people via two municipal water systems. A great many homeowners also draw their water directly from the lake. The lakeshore borders eight municipalities and two counties. Initially, the non-profit Keuka Lake Association received \$180,000 via legislative member item to collect data, educate residents, and get community buy-in to the watershed management program.

Ultimately, in 1993, the Keuka Watershed Improvement Cooperative (KWIC) was formed by intermunicipal agreement. The KWIC Board of Directors consists of an elected

Continued on page 20

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official from each of the eight participating municipalities who together oversee the watershed management program. The eight participating municipalities each adopted a model wastewater law which is uniformly enforceable throughout the watershed by a full-time Watershed Manager. The professional watershed management staff also includes a part-time clerk, records manager, and treasurer, as well as legal consultation.

In 2003, the annual operating budget was \$69,900 and covered staff salaries and benefits, equipment, supplies, travel, and office overhead. From their general revenues, each of the eight municipalities contributed \$6,000, plus hired their own part-time Watershed Inspector at a cost ranging from \$7000-12,000 annually. Remaining watershed management expenses were covered via inspection fees.

The model wastewater law provides for routine inspections of all onsite within 200' of the lake (Zone1) on a rotating basis, usually every five years, but 3 years for marginal systems. There are about 2,800 onsites in Zone 1. The homeowner pays to have the tank pumped but not for the inspection itself. Each community is responsible for ensuring that 20% of the onsites in their Zone 1 are inspected annually.

In addition to Zone 1 inspections, new or replacement systems anywhere in the KWIC region must be inspected. Fees include \$50 for the site investigation, plan review and final inspection plus \$50 for a construction permit. The property owner is responsible for hiring an excavator for the deep hole pit and percolation test. Minor repairs may be subject to a \$30 repair permit fee. KWIC issues about 140 permits per year: so far this year, they have generated close to \$13,000 through fees.

Real property inspections must also be done by a KWIC Inspector, and consists of a tank and plumbing inspection and a surface evaluation.

quire that the distribution box or drainfield be opened up. All revenue generated by real property inspections goes to the individual municipality. Most municipalities charge \$50 for a

close to 200 real property inspections were conducted in the KWIC region.

One of the interesting features of the intermunicipal agreement is the so-called sunset clause. Each Town

from NATaT . . .

## Septic System Tools Available From EPA

Onsite wastewater systems, mostly known as septic systems, serve approximately 25 percent of U.S. households. One in every three new homes built today use these systems. However, failing and improperly managed onsite wastewater systems are a significant source of pollution, potentially causing contamination of drinking water, recreational waters, or fishing areas. State agencies report that failing systems are the third most common source of groundwater contamination and U.S. Census data shows that at least 10 percent of onsite systems fail.

The impact of onsite and decentralized wastewater systems are considered non-point sources of pollutants. Pollutants from septic systems may enter groundwater and migrate offsite. The good news is that there is an assortment of information and resources to assist local officials in addressing the local management of these systems. Research done over the past 40-50 years confirm that soil based onsite systems reduce pollutant concentrations in wastewater significantly.

The EPA has provided materials to assist local governments in educating citizens about proper onsite wastewater system management and how adequate maintenance of individual systems can prevent pollution from entering the nation's rivers, lakes, coasts and groundwater. As part of its yearlong celebration of the 30th anniversary of the Clean Water Act, EPA developed a CD-based kit communities can use to reach out to citizens.

Benefits attributed to the development of onsite wastewater management plans are the protection of public health and local environment resources, homeowner protection, preservation of community image, resources and tax base, and limiting the vulnerability of infrastructure.

It is important to foster community involvement and hold public hearings, educate homeowners, identify advocates and critical local agencies, and setting up a stakeholder group when developing a local plan. Through a participatory process, stakeholders will learn that it is more cost effective in the long run to establish an onsite management plan.

Voluntary guidelines that communities can use for a management program may be found at [www.epa.gov/owm/mtb/decent/index.htm](http://www.epa.gov/owm/mtb/decent/index.htm). General resources and technical assistance on onsite wastewater system management for both homeowners and communities is available at [cfpub.epa.gov/npdes/wastewatermonth.cfm](http://cfpub.epa.gov/npdes/wastewatermonth.cfm). For further information, contact Nikos Singelis, Office of Wastewater Management, at [singelis.nikos@epa.gov](mailto:singelis.nikos@epa.gov)



three years. Every year, unless something comes up, the program renews for another three years. If a community has an objection in a given year, they are still contracted to complete the three years. Ideally, this gives KWIC the time needed to resolve any problem or differences.

"Wastewater management is an easy and effective way to protect the lake for less than it would cost to sewer the area", says Paul Bauter, KWIC Watershed Manager.

J.C. Smith, former KWIC Watershed Manager states "the management structure is much more important than technical issues. For example, if the group tried to define in perfect terms, at the beginning, exactly what constitutes an inspection, no-one would ever have agreed and it would never have been done. The group realized that some issues needed to be left to the policy-makers after the program was set up."

#### Town of Huron, Wayne County

The Town of Huron is located on Sodus Bay on Lake Ontario. There are about 1600 housing units, more than a third of which are seasonal. Although two neighboring communities draw at least part of their drinking water from the lake, almost all of Huron is on private wells.

The inspection program as originally initiated in 1996 required that onsites be inspected upon real property transfer. Municipal leaders recognized the need to do more and in 2001, modified the local law to require inspections of every onsite in Town on a 5-year cycle. Waterfront properties were targeted first, with inspections gradually moving out away from the lake.

These routine inspections include a plumbing inspection to identify rogue discharges and a dye test. The homeowner has the right to refuse access to the interior of the home, in which case the tank must be uncovered. The inspector may require pump-

In 2003, the Town budgeted \$11,250 for routine inspections. Two trained contractors perform the inspections for \$30 per site. The two inspectors were lay people from the town who were trained in a 3-day course given by Cayuga County, and were subsequently groomed in the nuances of local law. The inspectors report their findings to the Code Enforcement Officer (CEO) who follows up with repair orders, permits, etc.

Real property transfer inspections as well as inspections of new construction and repairs and upgrades are the responsibility of the CEO. In addition to the plumbing inspection and dye test, the homeowner is responsible for getting the tank pumped in the presence of the inspector.

Despite the relatively low cost per household of the program, there was by no means unanimous support in the community. Two public hearings were held to packed houses. The Town

of opposition. According to Dave Scudder, Town Assessor and inspection proponent, a lot more could have been done to educate folks about the benefits of routine inspections and repair of failing systems. Says Scudder, "the Great Lakes provide 20% of the fresh water on the entire planet. We need to take stern measures with respect to our custodial responsibility for the Great Lakes. We will be paid back in spades in the not-too-distant future as people rediscover the desirability and recreational opportunities of this region."

Onsite wastewater management is proving to be a viable alternative to central sewerage for many communities. For very small, poor, or sparsely-populated communities, or topographically challenged regions, it may be the only choice. Perhaps the biggest advantage is its flexibility: management structures can be tailored to meet the individual needs of the communities involved. ❖

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