

DISCUSSION DRAFT

ARTICLE 19
MANAGEMENT OF INNOVATIVE AND ALTERNATIVE ONSITE WASTEWATER
TREATMENT SYSTEMS

(Last Rev. 5-13-16)

§760-1901 Declaration of Policy

The designated best use of all groundwater of Suffolk County is for public and private water supply, and of most surface waters for food production, bathing, and recreation. The federal government has officially designated the aquifer below Suffolk County as a sole source for water supply. Therefore, it is hereby declared to be the policy of the County of Suffolk to maintain water resources as near to their natural condition of purity as reasonably possible for the safeguarding of the public health and, to that end, to facilitate the best available onsite wastewater management technologies to minimize and prevent water pollution from residential onsite wastewater treatment systems.

§760-1902 Statement of Purpose

When properly designed, sited, installed, managed, and maintained, Innovative and Alternative Onsite Wastewater Treatment Systems (I/A OWTS) provide a cost-effective and environmentally sound alternative to sewers in portions of the County that are outside the designated sewer areas. The intent and purpose of this Article is to facilitate development and use of I/A OWTS in Suffolk County as a conservation measure and to authorize the Suffolk County Department of Health Services, as a Responsible Management Entity, to develop and use resources, standards, capabilities and systems to ensure that I/A OWTS are properly managed and maintained, and provide a level of treatment superior to Conventional Septic Systems, which is consistent with the above-stated Declaration of Policy.

§760-1903 Definitions

- A. **Commissioner** means the Commissioner of the Suffolk County Department of Health Services.
- B. **Conventional Septic System or Conventional Onsite Wastewater Treatment System (OWTS)** means an onsite sanitary system consisting of a septic tank and any associated interconnecting piping, a leaching structure(s) and any associated interconnecting piping, or a cesspool and any associated interconnecting piping that does not have any active or mechanical means of treatment or any supplemental filtration components.
- C. **Department** means the Suffolk County Department of Health Services.
- D. **Innovative and Alternative Onsite Wastewater Treatment System(s) (I/A OWTS)** means onsite wastewater treatment technologies that are accepted by the Department as capable of achieving the total nitrogen concentrations that are less than Conventional Onsite Wastewater Treatment Systems.

- E. **I/A OWTS Management Program** means comprehensive oversight and activities that address issues critical to I/A OWTS including planning, education, maintenance, residuals management, training certification, licensing, inspections, monitoring, corrective action and enforcement, recordkeeping, inventorying, reporting, financial assistance, and funding.
- F. **Maintenance Provider** means a private entity hired by a Property Owner to provide operation and maintenance and contractual service of an I/A OWTS.
- G. **Management Information System** means any computer-based system capable of capturing, storing, analyzing, and displaying specifically referenced information.
- H. **Operation and Maintenance (O&M)** means the act of performing tasks specified by the Department and / or the manufacturer of the I/A OWTS including, but not limited to, cleaning, inspection, and adjustment of control settings to ensure proper operation of I/A OWTS and related components.
- I. **Operation and Maintenance Contract** means a signed contract between the Property Owner and the Maintenance Provider setting forth all required Operation and Maintenance procedures and monitoring schedules along with effective dates of the contract.
- J. **Property Owner(s)** means the owner(s) of the real property upon which such I/A OWTS is installed or proposed for installation.
- K. **Registration** means the approval process by which a Property Owner completes and submits routine documentation required by the Department so as to certify his/her/its ownership and use of an I/A OWTS. For the purposes of this Article, Registration shall be deemed the equivalent of a permit as defined in Suffolk County Sanitary Code Article 3, except where Suffolk County Sanitary Code Article 3 is inconsistent with this Article 19.
- L. **Responsible Management Entity** means the Department, which shall administer and conduct a comprehensive set of activities and have the legal authority and technical capacity to ensure the long term operation, maintenance, and management of all I/A OWTS.

§760-1904 Powers and Responsibilities

The Department, as a Responsible Management Entity, shall have the authority and responsibility to administer the following activities to ensure the long term operation, maintenance, and management of all I/A OWTS:

- A. The Department shall have the responsibility to administer and conduct the day to day operation of the I/A OWTS Management Program, including all technical and administrative requirements, in order to protect the public health and the environment.
- B. The Department shall oversee the installation, maintenance and operation of all I/A OWTS.

- C. In addition to any required approval issued under Article 5 and/or 6 of the Suffolk County Sanitary Code, the Department shall require Registration of I/A OWTS pursuant to this Article for installation and operation of all existing and future I/A OWTS.
- D. The Department shall receive and maintain information and reports as required by this Article.
- E. The Department shall have the authority to promulgate procedures, protocols and standards as necessary for the implementation of this Article, including, but not limited to, those standards referenced herein under Sections 760-1903 and 760-1905 through 760-1907.
- F. The Department may inspect I/A OWTS and sample discharges as often as deemed necessary by the Department to determine compliance, upon reasonable notice to the Property Owner.
- G. The Department shall enforce this Article.

§760-1905 I/A OWTS Registration Requirements

- A. The Department shall require a registration procedure as a condition of its approval for installation and operation of an I/A OWTS in accordance with this Article and in addition to any applicable requirements in Articles 5 and 6 of the Suffolk County Sanitary Code. Registration shall provide a mechanism for the Department to manage Property Owner compliance with this Article.
- B. In order to register an I/A OWTS, the Property Owner shall submit a Registration form provided by the Department, together with any required documentation specified below, as well as any required approvals under Suffolk County Sanitary Code Articles 5 and/or 6, where applicable.
- C. Upon satisfactory completion of the Registration process, the Department shall notify the Property Owner in writing whether or not the Registration has been approved.
- D. In addition to any applicable approval issued under Articles 5 and/or 6 of the Suffolk County Sanitary Code, the Department shall establish registration requirements including, but not limited to, the following:
 - 1. Property Owner information
 - 2. Current, executed Operation and Maintenance Contract
 - 3. Other requirements as determined by Department standards
- E. By completing the Registration process, the Property Owner shall agree to:
 - 1. Provide access to the Commissioner or his authorized representative to inspect and sample the I/A OWTS and its discharges upon reasonable notice for the purpose of determining compliance with this Article.

2. Provide access to the Commissioner or his authorized representative, for inspection of all records required by this Article or the Department, upon reasonable notice to the Property Owner, for the purpose of determining compliance with the Article. Where requested by a Maintenance Provider, the Property Owner shall execute any documents required for release of required information to the Department.
- F. Every Property Owner shall be responsible for compliance with the responsibilities specified in the Registration approval and this Article.
 - G. Every Property Owner shall register new I/A OWTS prior to construction, upon property transfer to a new Property Owner, and every 36 months after the initial Registration. Every Property Owner shall register all existing I/A OWTS with the Department within one year of the effective date of this Article.

§760-1906 Operation and Maintenance Requirements

- A. Every Property Owner shall have an active Operation and Maintenance Contract with a company that has a current Liquid Waste License and Endorsement K (Innovative and Alternative Treatment System Service Provider Endorsement) through the Suffolk County Department of Labor, Licensing and Consumer Affairs, pursuant to Suffolk County Code § 563-79.
- B. The Property Owner is responsible for implementing all O&M requirements to maintain a properly functioning I/A OWTS.
- C. An I/A OWTS shall meet all applicable requirements and standards including, but not limited to, the requirements of this Article and Suffolk County Sanitary Code Articles 5 and 6. In addition, an I/A OWTS shall meet all New York State requirements.
- D. A fully executed Operation and Maintenance Contract between Maintenance Provider(s) and Property Owner(s) must be in place prior to receiving final approval from the Department.
- E. The Operation and Maintenance Contract shall require the Property Owner to authorize the Maintenance Provider to enter onto the Property Owner's property, when necessary, for periodic inspection, pumping, maintenance, and repair of an I/A OWTS.
- F. Maintenance Providers shall notify the Department within 30 days when an Operation and Maintenance Contract is not renewed or is canceled.
- G. At a minimum, annual O&M shall be required for all I/A OWTS. O&M shall be conducted in accordance with standards, protocols and procedures established by the Department.
- H. Maintenance Providers shall report all O&M and emergency I/A OWTS service to the Department. Maintenance Providers shall maintain said records for inspection by the Commissioner for at least five (5) years after the date of the event or occurrence.

- I. Maintenance Providers are responsible for following best management practices as specified in the standards promulgated by the Department.

§760-1907 Performance Requirements, Parameters, and Frequency of Sampling

- A. The Department shall establish standards setting performance parameters and requirements for the frequency of sampling I/A OWTS.
- B. The performance standards shall require I/A OWTS to achieve a greater reduction in total nitrogen (TN), biological oxygen demand (BOD), and total suspended solids (TSS) than that of a Conventional Onsite Wastewater Treatment System, in addition to other applicable standards of the County or State for protection of public health.
- C. I/A OWTS must be readily accessible to ensure continued environmental compliance.
- D. The Department shall establish technical criteria for experimental, piloting, provisional, and general approval for the use of I/A OWTS technologies in Suffolk County.
- E. The Department shall maintain a list of approved I/A OWTS technologies in Suffolk County.

§760-1908 Reporting and Record Keeping

- A. The Department shall be responsible for maintaining a Management Information System which, at a minimum shall track the approval and registration information, inspection, sampling, and O&M of all approved I/A OWTS.
- B. It shall be unlawful for a Maintenance Provider to fail to comply with any reporting or record-keeping requirements in this Article or associated standards.

§760-1909 Enforcement

- A. The Department, acting as a Responsible Management Entity of I/A OWTS, shall enforce this Article and shall utilize the enforcement procedures established in Article 2 of the Suffolk County Sanitary Code entitled: “The Department of Health Services Administration and Enforcement.”
- B. In addition to existing penalties and remedies for noncompliance as provided for in the Suffolk County Sanitary Code, after notice and the opportunity for a hearing for a Property Owner under Suffolk County Sanitary Code Article 2, the Commissioner may order the Property Owner to conduct additional sampling, maintenance, inspections, and/or monitoring based on previous inspection and/or performance monitoring results.

§760-1910 Variances, Waivers and Exemptions

The Commissioner, in his discretion, and upon recommendation of the Suffolk County Board of Review, may grant or deny a variance or waiver from the specific sections of this Article after an application requesting such relief is made and supporting evidence has been presented to the

Suffolk County Board of Review in accordance with the provisions of §760-609 of the Suffolk County Sanitary Code.

§760-1911 Severability

It is expressly agreed that if any term or provision of this Suffolk County Sanitary Code Article 19, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Article, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Article shall be valid and shall be enforced to the fullest extent permitted by law.

Adopted ____/____/2016

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