

Chapter 117

WASTEWATER MANAGEMENT

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§ 117-1 HAMMONDSPORT CODE § 117-3

[HISTORY: Adopted by the Board of Trustees of the Village of Hammondsport 6-8-1993 as L.L. No. 1-1993.

Amendments noted where applicable.]

GENERAL REFERENCES

§ 117-1. Title.

This chapter shall be known and may be cited as the

"Wastewater Management Law."

§ 117-2. Purpose.

The purpose of these regulations is to preserve and protect the quality of Keuka Lake and surface water and groundwater in the Village of Hammondsport. 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.

§ 117-3. Definitions.

All definitions printed in New York State Department of Health Administration Codes, Rules and Regulations, Appendix 75-A, shall apply to this chapter. Additional definitions include the following terms, which shall have the meanings indicated:

AGENT — A person requested, employed or contracted by an owner or owners, occupant or lessee.

DISTANCE — The shortest horizontal linear distance from the nearest point or structure or object to the high water mark of the nearest watercourse or the edge, margin or top of precipitous bank forming the mean high water mark of a watercourse.

§ 117-3 WASTEWATER MANAGEMENT § 117-5

NEW CONSTRUCTION — Any building constructed or placed on a undeveloped site and requiring a new wastewater system and currently not utilizing a wastewater system.

REPLACEMENT WASTEWATER SYSTEM — Any construction or modification of a system for an existing building which already has a system. Complete replacement of a system for an existing property with a system shall be considered a "replacement wastewater system."

WASTEWATER — Liquids containing sewage or other contaminated liquids of any kind in or from the drainage system or sewer of a domestic dwelling or any other structure utilized for commercial, recreational, agricultural, institutional or industrial purposes.

WATERCOURSES — As identified by the Commission after consultation with the Yates and Steuben County Soil and Water Conservation District and the Department of Environmental Conservation (DEC) and published on a set of maps.

§ 117-4. Applicability.

The provisions of these rules shall be in effect throughout the municipality of the Village of Hammondsport and apply to all wastewater treatment systems not subject to New York State Departments of Environmental Conservation or Health permitted facilities.

§ 117-5. Severability.

If any section, paragraph, subdivision or provision of this chapter shall be judged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or

any part or provision thereof other than the part so decided to be invalid or unconstitutional.

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§ 117-6 HAMMONDSPORT CODE § 117-8

§ 117-6. Disposal of wastewater.

A. Wastewater from any new construction shall be discharged directly into public wastewater disposal systems if available and accessible within 100 feet of the property line.

B. If there is no public wastewater disposal available, residential, commercial or institutional wastewater must be treated by a wastewater treatment system approved by a regulatory officer in the Keuka Lake Watershed Commission.

§ 117-7. Water quality protection zones.

Two zones within the municipality shall be established for the protection of water, public health and safety. Zone 1, or the "Critical Water Protection Zone," shall include the land within 200 feet of a lake and watercourse. Zone two shall include all other land in the municipality.

§ 117-8. Rules and regulations for disposal of human excrement.

A. No untreated wastewater from a wastewater system shall be deposited or allowed to escape into any watercourse in the municipality or allowed to surface or be washed over the ground.

B. No human excreta, either raw or partially decomposed, may be dipped, pumped or shoveled from a septic, aerobic or holding tank and placed in or on the ground of the

watershed without specific approval of the site by the Department of Environmental Conservation of the State of New York.

C. Any septic tank or holding tank that shows evidence of leaking must be replaced or repaired within the time period specified in § 117-14.

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§ 117-9 WASTEWATER MANAGEMENT § 117-10

§ 117-9. Design standards of wastewater systems for new construction.

A. Wastewater systems for new household construction shall be designed in accordance with New York State Department of Health Administration 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 in Standards for Waste Treatment Works — Institutional and Commercial Sewage Facilities, or current reference.

§ 117-10. Design standards of replacement wastewater systems.

A. Construction of replacement wastewater systems may be designed and must be installed under the direction of 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 up-to-date practical technology or require that 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 § 117-16.

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 or other non-waterborne systems as described in Appendix 75-A, design a system or request that an

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117-10 HAMMONDSPORT CODE § 117-11

engineered system be designed when site conditions are limiting.

E. Wastewater systems for replacement in 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.

§ 117-11. Inspections and surveys.

A. The regulatory officer shall be allowed to make regular and thorough inspections of wastewater treatment systems in the municipality for purposes of inspection, observation and testing of wastewater treatment systems. Whenever it shall appear to the regulatory officer that a wastewater

system is inadequate, a written notice of violation shall be given to the property owner specifying the nature of the violation and required corrective action. The owner of the wastewater system has up to 30 days from receipt of the notice of violation to obtain a wastewater system construction permit. Completion of work detailed in the wastewater system permit shall be performed within the time period specified in the permit, according to § 117-14.

B. The regulatory officer shall conduct a preliminary survey (i.e., mail survey) of all systems within three years of this chapter's taking effect to determine inspection priorities.

After the survey has been completed, systems in Zone 1 will be scheduled for inspection at least once every five years. For newly installed wastewater systems, the first required inspection shall be no sooner than five years after installation or one year after for a holding tank, unless a property transfer or a complaint requires sooner action.

C. The regulatory officer shall investigate all complaints under the provisions of this chapter and document all follow-up investigations.

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§ 117-11 WASTEWATER MANAGEMENT § 117-12

D. It shall be the duty and obligation of the wastewater system owner to supply, upon request to the regulatory officer, available information regarding the wastewater system type, capacity, location, usage, age, maintenance, etc., in order to determine the system's effectiveness.

§ 117-12. Property transfer; refinancing inspections.

A. Prior to any property transfer, all septic or holding tanks

must be pumped by a DEC-licensed waste hauler at least 10 days prior to the time of property transfer, unless it has already been pumped and inspected by the regulatory officer within the past two years. The property owner must give the regulatory officer at least 48 hours' notice to arrange for inspection of the tank. It is highly recommended that property transfer inspections and pumping be arranged by the property owner as early in the selling process as possible to obtain an accurate assessment of the system.

B. The filtration and/or absorption area must be evaluated by the regulatory officer at least 10 days prior to the time of property transfer.

C. If a lending institution requires a property owner to obtain a wastewater system inspection for property refinancing in the watershed, a regulatory officer shall perform the inspection as per applicable provisions in this section.

D. If the wastewater system is determined to be failing or inadequate, a written notice of violation will be issued as per § 117-18, and an approved construction permit to correct the violation must be obtained prior to property transfer.

E. For aerobic systems, the new owner must send a signed copy of a service contract to the regulatory officer within 30 days after the property transfer.

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§ 117-12 HAMMONDSPORT CODE § 117-14

F. Only a regulatory officer of the Keuka Lake Watershed Commission is authorized to conduct a property transfer or

mortgage refinance inspection as defined by this chapter.

§ 117-13. 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 to or convert to another use any structure or system that is subject to the provisions of this chapter 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 whenever considered necessary by the regulatory officer.

E. The regulatory officer shall be notified a minimum of 48 hours prior to the requested inspection date.

F. A wastewater system construction permit shall be valid for up to one year.

§ 117-14. Compliance for replacement wastewater system.

A. Where a written notice of violation has been issued for an inadequate wastewater system or component thereof,

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§ 117-14 WASTEWATER MANAGEMENT § 117-16

corrective action according to an approved wastewater system construction permit must be completed within six months.

B. Where a wastewater system violation is considered by the regulatory officer to be a public health hazard, such as raw sewage on the ground or its entering a watercourse, a maximum of 60 days will be allowed for corrective action.

Corrective action may be required sooner, depending on the risk to public health and safety.

§ 117-15. Permit required.

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.

§ 117-16. 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 eight inches in diameter.
- (3) Have a capacity of four days' storage based upon design flow of 150 gallons per bedroom per day.
- (4) Have an audio or visual float alarm.
- (5) Have anchoring devices for areas where seasonal high water tables are evident from soil investigations.

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§ 117-16 HAMMONDSPORT CODE § 117-17

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 within a minimum of 12 inches of the inlet pipe, and documentation shall be sent to the Keuka Watershed Improvement Commission annually the contractor.

§ 117-17. 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 State Pollutant Discharge Elimination System (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 backup.

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§ 117-17 WASTEWATER MANAGEMENT § 117-19

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 to the manufacturer's treatment specification as required by the regulatory officer.

§ 117-18. Penalties for offenses.

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. 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's Board. 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. More severe penalties than listed above may be imposed by a local court for blatant and willful violations such as pumping septic or holding tank wastes directly into surface waters.

§ 117-19. Fees.

A fee will be set by the Keuka Watershed Improvement Commission and adjusted as needed to charge for each wastewater system construction permit and wastewater system inspection by the regulatory officer.