

# CHEMUNG COUNTY SANITARY CODE

## ARTICLE V ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)

### SECTION 1. General

- A. Standards:** Onsite Wastewater Treatment Systems (OWTS) shall be designed, constructed and maintained in accordance with the standards of the State Commissioner of Health as set forth in 10 NYCRR Part 75 titled "Standards for Individual Water Supply and Individual Sewage Treatment Systems", 10 NYCRR Appendix 75-A titled "Wastewater Treatment Standards - Individual Household Systems", and the New York State Health Department "Individual Residential Wastewater Treatment Systems Design Handbook", as well as the National Sanitation Foundation (NSF) Standard 40.
- B. Definitions:**
- i. **Construct** – to make, build, create, repair, or replace an OWTS and/or its components
  - ii. **Construction permit** – a permit issued by the Director that allows for the construction of an OWTS as per the plans approved by the Director
  - iii. **Install** – to place in position for an intended use
  - iv. **Onsite Wastewater Treatment System (OWTS)** – means a facility serving one or more parcels of land or residential households and treating sewage or other liquid wastes for discharge into the groundwater, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law
  - v. **Registered Contractor** – a person who is currently listed as registered with the Director to construct, re-construct or replace an OWTS or its components
  - vi. **Site Evaluation** – an assessment made by the Director of a parcel of land to determine conditions and characteristics of the soil, topography, ground water, surface water, and any

other factors needed to determine if the parcel is suitable for construction of an OWTS

- vii. **Wastewater** – any water discharged from a house or building through a plumbing fixture to include, but not be limited to, sewage and any water or waste from a device which is produced in the house or on the property.

- C. **Where Required:** Each premises provided with plumbing fixtures or provided with a receptacle to create a sanitary flow, where no approved community sewerage system is available, shall have an OWTS as described in section 1.
- D. **Construction Permit Required:** No person shall undertake to construct, install, alter, expand, replace, repair or provide a system or any component of a system or facilities for the private treatment of waterborne sewage, domestic or trade wastes, to serve any building, dwelling, or premises in or from which such wastes may be discharged without first having obtained a "Construction Permit" for a specific parcel therefor from the Director. Such permit shall not be required when a permit therefor has been issued by the New York State Department of Environmental Conservation. A copy of such permit from the State or of a determination rejecting such permit shall be filed with the Department of Health. All OWTS are required to be designed by a licensed design professional.
- E. **Inspection Required:** The person constructing an OWTS must cause an inspection by the Director of the OWTS prior to backfill, or at various stages of construction as stated in the permit. The OWTS shall not be covered or placed into operation until the construction has been inspected and approved by the Director.
- F. **Requirements Prior To Use:** The owner of the dwelling to which the OWTS is connected shall not use or allow the use of such system or facilities until construction has been completed in accordance with the conditions of the permit, inspected, and approved in writing by the Director.

- G. Maintenance:** It shall be the responsibility of the owner to maintain the OWTS in accordance with the standards listed herein.
- H. Prohibited Discharges:** The discharge of inadequately treated or untreated wastewater as determined by the director onto the ground surface, into a building, or into the waters of New York State is prohibited.
- I. Permit Exceptions:** Exceptions to the requirement for obtaining a permit would include using acceptable materials for the replacement of a house sewer, repair or replacement of internal baffles on a septic tank, replacement of sewage transmission pipe between the septic tank and an absorption/treatment area, replacement of mechanical equipment, the pumping of a septic tank, and exposing a component of a septic system to determine the required abatement needed to resolve a failure or problem.
- J. Waivers:** The Director may grant a waiver in an individual situation involving the replacement of an existing OWTS because of a hardship or other circumstances that makes it impractical to comply with a standard for individual sewage treatment systems. Each waiver granted must be in writing and advise the owner of the design or conditions approved that do not meet State Standards and the potential consequences of such deviations.
- K. Minimum Lot Sizes:** For lots where the soil percolation rate is faster than 60 minutes per inch and public water is available, the minimum lot size for construction of an OWTS shall be 15,000 square feet. For lots where the soil percolation rate is faster than 60 minutes per inch and a private water supply will be utilized, the minimum lot size for construction of an OWTS shall be 20,000 square feet. The minimum lot size for the Sand Filter OWTS shall be three acres. Other alternative systems can be considered on a case by case basis as per the policies established by the Director.

- L. **Separation Distances:** Even when the above-mentioned minimum lot sizes are met, there must still be sufficient area available to maintain the required separation distances as required herein.
- M. **Replacement System Area Required:** For new OWTS's, there shall be available sufficient area to provide for the complete replacement of the leaching system or other subsurface treatment system.
- N. **Aerobic Treatment Systems.** The use of aerobic treatment units (ATU's) and aerobic treatment systems (ATS's) is permitted in Chemung County as long as all requirements in this Article are adhered to. The owner shall maintain a service contract with a manufacturer's authorized representative qualified to perform service for the life of the system. No one shall distribute, sell, install, or service ATU's or ATS's unless they are an authorized representative of the manufacturer of the unit.

## **SECTION 2. Construction Permits**

- A. **Issuance:** No person or contractor shall begin to construct an OWTS until a permit to construct an OWTS has been issued by the Director. No work can be performed on an OWTS for which a permit has not been obtained.
- B. **Permit On Site:** A copy of the permit shall be on the construction site until the final inspection is completed.
- C. **Renewals:** A sewage treatment system construction permit may be renewed annually for up to five years from the first date of issue upon written application to the Director prior to the expiration date of the current permit. A permit that has been kept active for a period of five years shall not be renewed and a new application must be made which will incorporate the standards in existence at that time.

- D. **Site Evaluations:** For parcels on which no OWTS exists, a site evaluation must be completed by the Director prior to issuance of a construction permit.
- E. **Construction Responsibility:** It shall be the responsibility of the contractor to construct the OWTS in accordance with the standards listed herein, the approved plans, and the conditions of the permit.

### **SECTION 3. Contractor Registration**

- A. **Requirements:** No person shall undertake to construct, install, alter, expand, replace, repair or provide a system or any component of a system or facilities for the private treatment of waterborne sewage, domestic or trade wastes, to serve any building, dwelling, or premises in or from which such wastes may be discharged that would require a permit from the Director without first having registered with the Director in a manner as prescribed by the Director. The Director shall maintain an up-to-date list of registered contractors.
- B. **Fees:** The registration may require a fee as would be outlined on the Department fee schedule. There may be an expiration date on the registration.
- C. **Revocation of Registration:** The registration of a contractor may be revoked by the Director for a specific period of time if it is determined that the contractor has violated the conditions of the registration.
- D. **Violations:** A person performing any of the activities described in this Article for which a registration is required but without a current registration would be considered to be in violation of this code and subject to an enforcement action.
- E. **Exceptions:** An exception to the requirement to be registered with the Director prior to commencing construction subject to the permit requirements mentioned earlier would be for a property owner

performing construction activities on their own property. The property owner would be required to show proof of ownership and obtain a construction permit from the Director.

#### **SECTION 4. Connections to Community Sewerage Systems**

- A. Defined:** No person shall construct on any premises an OWTS or component thereof for the treatment of sewage, where a community sewerage system is available and accessible. For the purposes of this section for a one- or two-family dwelling, a community sewerage system shall be deemed accessible when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto. For buildings of any other occupancy, a community sewerage system shall be deemed accessible when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto. When a community sewerage system is available and accessible, the Director may issue an order upon the owner of any property whereon an OWTS is located requiring said owner to abandon the use of same and to connect with such community sewerage system within a period not exceeding sixty (60) days.
- B. Construction Prohibited:** When a community sewerage system is deemed available and accessible by the Director to a particular parcel, no construction of an OWTS shall occur on that parcel.