

FREQUENTLY ASKED QUESTIONS (FAQ)
ON-SITE WASTEWATER TREATMENT SYSTEMS

(revised 1/11/08)

GENERAL QUESTIONS

- 1. When will the changes to the County Sanitary Code relating to the construction of "on-site wastewater treatment systems (OWTS) take affect?***

ANSWER: The changes have already been approved by the Chemung County Board of Health and will take effect May 1, 2007

- 2. Who is exempt from registering as a "contractor"?***

ANSWER: The only people that would not have to register would be a homeowner performing work on their own occupied residence if they don't utilize professional assistance.

- 3. Who is responsible for obtaining a "construction permit"?***

ANSWER: The contractor performing the work is responsible for obtaining a construction permit.

- 4. If I'll be using more than one contractor for the total project to install the OWTS, do ALL contractors need to obtain a permit?***

ANSWER: No. Only one permit for the job will be required. Generally, the contractor that actually enters into an agreement with the homeowner would be the one to get the permit. Any other contractors would be considered "subcontractors". They would still need to be registered with the Department. For example, if you as a homeowner hire Contractor A to install a septic system, Contractor A would most likely be the one to obtain the permit. But if your septic system involves the installation of an Aerobic Treatment Unit that would be installed by Contractor B, that would all still be covered under the original permit. However, Contractor B would still have to be registered with the Department and must be authorized by the ATU manufacturer to complete that work.

- 5. How do I know if a contractor has registered with the Health Department?***

ANSWER: The Health Department will maintain a list of registered contractors and will keep that list up-to-date. Prior to signing a contract with a contractor, check the list to make sure that they are

registered. This is also a benefit to contractors as it could be considered free advertising.

6. *If public sewer is located close to my property, do I need to connect to the public sewer?*

ANSWER: If you have an OWTS that is currently functioning properly, the Health Department will most likely not require that you connect. But if anything happens to the system, no maintenance may be performed on the system and you will be required to connect. The sewer would have to be "available and accessible". You will need to contact the Health Department to determine if the sewer is available and accessible.

7. *What if I have a question that is not listed on this FAQ sheet?*

ANSWER: You can contact the Chemung County Health Department at **737-2019** during their normal business hours and someone should be available to answer their questions. If there is not anyone available at the time to provide an answer, a message will be taken and someone will get back to you just as soon as possible with an answer.

CONTRACTOR QUESTIONS

8. *How will the new code changes affect those persons or organizations that construct OWTS?*

ANSWER: A person or organization that performs work on an OWTS is considered a "contractor" and is required to be registered with the health department. Legal, individual employees of a "registered contractor" do not need to each register independently. The registration process is quite simple. Contractors will be required to follow all the codes, rules, and regulations related to an OWTS. Contractors will be required to obtain a construction permit prior to working on an OWTS.

9. *What will happen if I'm a contractor and I construct an OWTS without a permit?*

ANSWER: Many things could happen. First of all, the OWTS will not receive "approval" from the Health Department. If a system is not approved, you may not be paid by the property owner for the work you perform until approval of the system is secured. Second, you could be subject to an enforcement action and you may be fined up

to \$500 per occurrence. Finally, you could have your registration revoked which would prohibit you from constructing an OWTS in Chemung County.

10. *What will happen if I'm a contractor and I construct an OWTS and I'm not registered with the Health Department?*

ANSWER: The Health Department will only issue a permit to a "registered" contractor. So if an OWTS is constructed and you are not registered, that means that you did not obtain a permit (in some cases). However, because this change is so new, some permits have already been issued to homeowners and are still active. During this phase-in period, any contractor found performing construction that was **not** aware of these new requirements will be given an opportunity to register prior to approval of the system. Contractors that we know are well aware of the requirements and **STILL** choose to construct without being registered may face an enforcement action.

11. *What is the process for a contractor to register with the Health Department?*

ANSWER: A contractor must complete a one-page application and submit a nominal fee. Once registered, a contractor's name will be placed on the list of registered contractors and a registration certificate will be sent to the contractor.

12. *What is the fee required to register as a contractor with the Health Department and why is there a fee?*

ANSWER: There is a nominal fee that will be listed on the Health Department Fee Schedule. The fee in 2007 will be \$50 for a 5-year registration. But this fee is only for the "contractor" that is registering. A company that has several employees would only have to pay one fee for the "company" to be registered. A one-man operation would have to pay the same registration fee in order to be registered. This new registration process is increasing the administration expenses and this nominal fee is being charged to help offset these new expenses.

13. *Why do I need to provide information on the contractor registration application related to Worker's Compensation/Disability Insurance coverage?*

ANSWER: Section 125 of the General Municipal Law requires contractors applying for a construction permit to prove to the permit-issuing official that they are in compliance with the mandatory coverage provisions of the Worker's Compensation Law prior to issuance of a permit. Also, the Health Department is required to obtain this proof prior to issuance of the permit. It is the LAW!

HOMEOWNER QUESTIONS

14. *How will the code changes affect a property owner?*

ANSWER: A property owner will no longer be responsible for obtaining a construction permit, but they will be required to hire a registered contractor to perform the work.

15. *Can a property owner install an OWTS without registering as a contractor?*

ANSWER: Yes, there is an exemption for homeowners that are able to install an OWTS by themselves. However, this is limited to a conventional type of septic system. They will also be required to demonstrate the ability to perform the construction with no professional assistance and must sign an acknowledgement of the conditions of such exemption.

16. *What will happen if I obtained a permit to construct the OWTS myself, but shortly after getting started on the project I realize that I am unable to finish the project?*

ANSWER: You will need to hire a "registered" contractor to complete the work. However, prior to any further work being performed on your property, the contractor must pay a "permit transfer" fee in order to get the construction permit in their name so that they can legally perform the work.

17. *What happens if a property owner does not get an approval from the Health Department for their OWTS?*

ANSWER: The Health Department could take an enforcement action against a property owner for not having an "approved" OWTS. This does not occur very often. However, if the property owner tries to sell the property, a lending institution or a lawyer may not approve the sale without an "approved" OWTS. Another problem could arise if a property owner wants to obtain a building permit to construct an addition and the building official may refuse to issue a permit if the building is not served by an "approved" OWTS. These last two consequences do occur quite often and it puts the property owner in a very difficult position.

18. *What if I want to obtain a permit for my undeveloped parcel of land so that I can show prospective buyers that the parcel is approved by the Health Department for development?*

ANSWER: A permit can only be issued to a contractor to perform the construction of the OWTS. The Chemung County Health Department could issue you a "site evaluation" for your parcel. This would have all the information and design specifications as a permit except that it would not give you permission to perform construction. That form would say that the parcel is able to be developed and that a permit would be issued to a registered contractor upon proper application. This should be sufficient.

19. *How will I know if the contractor I hired has actually obtained a "construction permit"?*

ANSWER: One way to find out is that you can contact the Health Department and ask. Also, a copy of a permit for the homeowner will be included with the actual permit mailed to the contractor. Ask the contractor for a copy of the permit. If there is any additional information the homeowner will need, it will also be attached to the "homeowner's copy" of the permit.