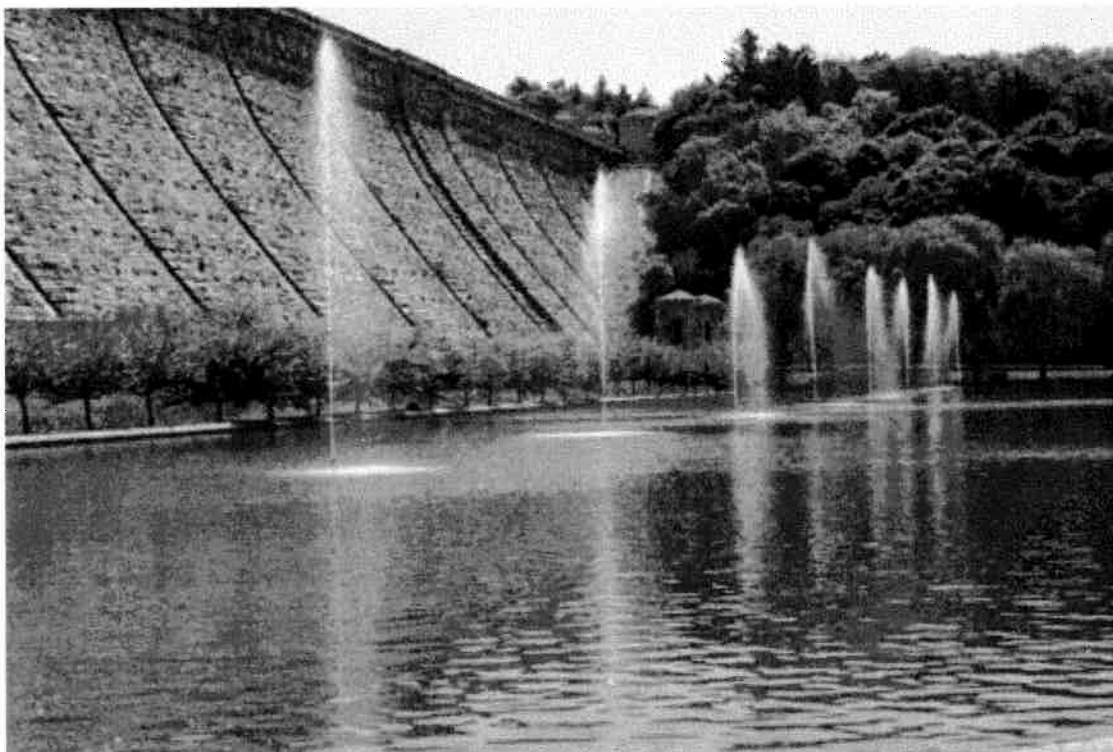


KENSICO SEPTIC SYSTEM REHABILITATION REIMBURSEMENT PROGRAM PLAN



New York City Department of Environmental Protection
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TABLE OF CONTENTS

	<u>PAGE</u>
CHAPTER 1 - SEPTIC PROGRAM OVERVIEW.....	1
1.1 DEFINITIONS.....	1
1.2 SEPTIC PROGRAM DESCRIPTION	4
1.2.1 Priority Areas	5
1.2.2 Sewer Connection	5
 CHAPTER 2 - SEPTIC PROGRAM RULES.....	 7
2.1 SCHEDULE OF VALUES	7
2.2 PROPERTY OWNER PORTION OF COST	7
2.3 ELIGIBLE COSTS	8
2.4 DISALLOWED COSTS.....	9
2.5 DUPLICATION OF PAYMENT PROHIBITED.....	10
2.6 AREAS WITH LIMITED ELIGIBILITY	10
2.7 SEWER CONNECTION COSTS.....	10
2.8 DETERMINATION OF ELIGIBILITY.....	11
2.9 PREREQUISITES TO REIMBURSEMENT	12
2.10 APPLICATION FOR REIMBURSEMENT	14
2.11 REVIEW OF APPLICATIONS.....	15
2.12 APPEALS PROCESS	15
2.13 METHOD OF PAYMENT.....	16
 CHAPTER 3 –SEPTIC SYSTEM STANDARDS AND REHABILITATION GUIDELINES	 17
3.1 SYSTEM STANDARDS	17
3.2 SEPTIC SYSTEM CONDITIONS WARRANTING REHABILITATION.....	17
3.3 SITE ANALYSIS AND REPAIR GUIDELINES.....	18

Chapter 1 - Septic Program Overview

1.1 Definitions

Nothing herein shall be construed to conflict with applicable laws or Watershed Regulations. Words used in this article mean:

1. “75-A” – 10 NYCRR Appendix 75-A.
2. “Absorption Area” – an area to which wastewater is distributed for infiltration to the soil, including tile fields, trenches, seepage pits, cesspools and sanitary privies.
3. “Authorized Agent” – is the New York State Environmental Facilities Corporation.
4. “Best Available Technology (BAT)” – methods, measures or practices determined to be the most practical and effective, given site constraints, to develop a system for on-site treatment and disposal of human waste.
5. “Cesspool” – a covered hole or pit for receiving raw sewage that has not received primary treatment for solids separation through use of a septic tank or other acceptable method.
6. “City” – shall mean the City of New York.
7. “Connection” – means the connection of a property serviced by an Eligible system to a municipal or privately owned and operated sewage collection system in lieu of Repairing or Remediating said system.
8. “Design Flow” – For residential units, the minimum design flow as shown on Table 1 of 75-A, in Section 75-A.3, or in Table 1 of the NYSDOH manual entitled Individual Residential Wastewater Treatment System Design Handbook, 1996 (75-A Handbook).
9. “EFC” – New York State Environmental Facilities Corporation.
10. “Eligible Project” means a project eligible for reimbursement for Repair, Remediation, or Connection of an Eligible System as determined by the NYCDEP.
11. “Eligible Systems” – Failing septic systems serving existing single family or two family residences with an existing design sewage flow of less than 1,000 gallons per day (GPD) per family and located within the New York State portion of the Kensico Watershed. For the purposes of this Septic Program, residence shall mean a residential building constructed on or before May 1, 1997. Existing design sewage flow will be determined using the values outlined in the WCHD Rules and Regulations as adopted pursuant to Article II, Section 873.203.1 of Chapter 873 of the Laws of Westchester County, as may be amended from time to time. Any component of a septic system that has previously received funding for completed repair or replacement under any part of the Septic Program will not be eligible for participation in the Septic Program unless specifically approved by the NYCDEP due to unique circumstances. Unique circumstances may include documentation that the previous funding addressed only part of the component or that a provisional repair was installed. Septic systems that have an open NOV that

- was issued prior to November 30, 2008 are not eligible for reimbursement funds under the Septic Program.
12. "Failure" - is defined as evidence of sewage effluent on the ground surface or in a watercourse, stream, wetland, or other surface water body, or other obvious failure of system component (e.g. collapse of a septic tank) in the judgment of a Qualified Inspector. Observed effluent may need to be confirmed as a failure by the introduction of tracer dye into the treatment system and subsequent field observation over time for the presence of dye.
 13. "Final Design Approval" means NYCDEP and/or WCHD written final approval and acceptance of the design of the remediation of a subsurface sewage treatment system pursuant to the Watershed Rules and Regulations and the Delegation Agreement with the WCHD.
 14. "Kensico Watershed" means the area of land that drains surface water into, or into the tributaries of, the Kensico Reservoir. For the purposes of the Septic Program only properties located within the portion of the Kensico Watershed located within New York State are eligible to participate in the Septic Program.
 15. "Leach Field" – an absorption area, typically consisting of a field or trench formation.
 16. "MOA" – New York City Watershed Memorandum of Agreement, is the document executed on January 21, 1997, by the City, the State of New York, the United States Environmental Protection Agency, the Coalition of Watershed Towns, Putnam County, Westchester County, certain watershed towns and villages, and certain environmental organizations regarding the City's Watershed Protection Program.
 17. "NOV" – Notice of Violation from NYCDEP or WCHD to the owner of a septic system, which states that the septic system is violating Watershed Regulations or WCHD regulations.
 18. "NYCDEP" – New York City Department of Environmental Protection.
 19. "NYCRR" – Official Compilation of Codes, Rules and Regulations of the State of New York.
 20. "NYSDOH" – New York State Department of Health.
 21. "Period of Eligibility" – is the one-year time period during which costs associated with a Rehabilitation will be eligible for reimbursement under the Septic Program. The Period of Eligibility will begin either: 1) the date an NOV is issued by the WCHD or NYCDEP, 2) the date a Property Owner provides notification to NYCDEP or its Authorized Agent of a pump out and evaluation by a private septic contractor pursuant to Section 2.8 of this document, or 3) the date the Program Agreement is signed by the Property Owner, whichever is applicable and earliest, and will expire one year following the start date. At NYCDEP's discretion, EFC may extend the Period of Eligibility for subsequent fixed terms. Only costs incurred during the Period of Eligibility will be eligible for reimbursement under the Septic Program. Septic systems that have an open NOV that was issued prior to November 30, 2008 are not eligible for reimbursement funds under the Septic Program.

22. "Pre-Approved Bid Form" means a form completed by the property owner or their representative and submitted to EFC for the purpose of developing a preliminary reimbursement estimate prior to construction of a Repair or Remediation.
23. "Primary Residence" – the main residence occupied by the property owner, based on driver's license address, voter registration, tax return information or other proof.
24. "Program Agreement" – shall mean the contract agreement entered into between the Property Owner and EFC. Only those Property Owners that enter into a Program Agreement with EFC will be eligible for Septic Program funds.
25. "Property Owner" or "Owner" – an individual whose name is on the title to the property or an individual that, upon review by NYCDEP or its authorized agent, possesses an indication of ownership such as beneficiary or remainder of a trust which has title to the property, holder or remainder of a life estate, member or shareholder of a homeowner's association which has title to the property.
26. "Qualified Inspector" – shall mean an employee of NYCDEP or WCHD.
27. "Rehabilitation" – shall collectively mean a Repair, Remediation, or Connection as defined in this section and as they may apply to each system.
28. "Remediation" – shall mean installation, replacement, or material repair of an existing on-site wastewater treatment system to correct an identified failure that results in the discharge of sewage on to the surface of the ground, into a storm sewer, or into a watercourse or water body. Remediation of a subsurface sewage treatment system typically would require NYCDEP or WCHD review and approval pursuant to Section 18-38(a)(9)(i) of the Watershed Regulations.
29. "Repair" – shall mean the repair or replacement in-kind and in-situ of broken, damaged, or worn on-site wastewater treatment system components. A Repair typically does not require NYCDEP or WCHD review and approval pursuant to Section 18-38(a)(9)(i) of the Watershed Regulations. A repair does not include routine maintenance such as pump-out of a septic tank.
30. "Reservoir" – any natural or artificial impoundment of water owned or controlled by New York City that is tributary to the New York City water supply system.
31. "Reservoir Stem" – any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir (Reference Watershed Regulations).
32. "Residence" – any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
33. "Sanitary Privy" – pit, watertight vault or removable watertight receptacle for direct disposal of non-waterborne human waste (Reference 75-A handbook).
34. "Seepage pit" – a covered pit with an open-jointed or perforated lining through which septic tank effluent seeps into the surrounding soil, sometimes called a leaching pit or leaching pool (Reference 75-A.8 (h)).
35. "Septic Program" – the Kensico Septic System Rehabilitation Reimbursement Program.
36. "Septic System" – a system for on-site treatment and disposal of human waste, including both waterborne and non-waterborne systems.

37. “Sewage” – the combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine (Reference 75-A).
38. “Subsurface Sewage Treatment System” – any underground system used for collecting, treating and disposing of sewage into the ground including, but not limited to, individual and intermediate sized sewage treatment systems (Reference Watershed Regulations).
39. “Water Supply” – the New York City public water supply system, including all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto (Reference Watershed Regulations).
40. “Watercourse” – a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the New York City water supply. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a watercourse (Reference Watershed Regulations).
41. “Watershed Regulations” – means the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources, Title 10 NYCRR Part 128; Title 15 Rules of the City of New York (RCNY) Chapter 18.
42. “WCHD” – Westchester County Department of Health.
43. “WCHD Rules and Regulations” – means the WCHD Rules and Regulations for the Design and Construction of Residential Subsurface Sewage Treatment Systems and Drilled Wells in Westchester County, New York adopted by the Commissioner of Health pursuant to Article II, Section 873.203.1 of Chapter 873 of the Laws of Westchester County, as may be amended from time to time.
44. “Wetland” – any area mapped as a wetland by the New York State Department of Environmental Conservation pursuant to the Environmental Conservation Law, which is at least 12.4 acres in size or has been designated as a wetland of unusual local importance (Reference Watershed Regulations).

1.2 Septic Program Description

The Kensico Reservoir, located in Westchester County, is the terminal reservoir for the City’s Catskill/Delaware water supply system. Because this reservoir provides the last impoundment for water prior to entering the City’s water supply distribution system, NYCDEP has established programs in the Kensico Watershed that provide the highest water quality protection measures.

Through the Kensico Septic System Rehabilitation Reimbursement Program (the “Septic Program”), NYCDEP will provide funding to reimburse a portion of the costs to Repair or Remediate eligible failing septic systems or to Connect those systems to an existing sewage collection system (corrective measures collectively referred to herein as Rehabilitation). Ongoing operation and maintenance of the septic system and/or payment of sewer rates and fees will remain the obligation of the Property Owner.

NYCDEP or its Authorized Agent will disseminate information on the availability of the Septic Program and provide information about proper septic system maintenance. Such education and outreach shall include direct mailings.

Following Repair or Remediation of each septic system, the Property Owner will receive information about the septic system. The information will include a summary of how the system works, how to care for the system, who to contact with questions or problems with the system and a schedule of maintenance activities.

1.2.1 Priority Areas

Septic Program funds will be dedicated for Rehabilitation of septic systems within high priority areas. The priority criteria are based on public health protection and water quality considerations. Such allocation will be based on the need to implement the Rehabilitation of septic systems within areas identified in the following priority criteria in descending order of importance:

1. Residential septic systems within the Kensico Watershed located a) within 100 feet of a watercourse or b) within 500 feet of the Kensico Reservoir or Reservoir Stem.
2. Residential septic systems within the Kensico Watershed located between 100 feet and 300 feet of a watercourse.
3. Residential septic systems within the Kensico Watershed located more than 300 feet from a watercourse.

Within the above priority steps, the following factors may be given due consideration by NYCDEP or its Authorized Agent to further prioritize systems on an individual basis:

1. signs of failure;
2. soil characteristics;
3. depth to seasonal high groundwater table;
4. slope of site;
5. flood plains;
6. availability of sewer collection system;
7. age of system;
8. incidence of maintenance on system;
9. specific distances from watercourse, reservoir, or reservoir stem;
10. occupancy and usage; and
11. flow rate and design flow.

1.2.2 Sewer Connection

NYCDEP may allocate and/or transfer funds from the Septic Program to pay for certain costs to connect eligible Property Owners to an existing sewage collection system. Determination about whether Septic Program funds can be used to reimburse the costs to

connect eligible Property Owners to the existing sewage collection system will be at the sole discretion of NYCDEP or its Authorized Agent and may differ from the prioritization schedule outlined in Section 1.2.1. Determinations will be made by NYCDEP or its Authorized Agent based on water quality and programmatic goals and may include a comparison of the cost of Repair or Remediation versus cost of Connection, availability of sewer lines, estimated timeframe for sewer connection services, and/or the requirements of other federal, state, or County regulatory agencies. All sewer rates that are incurred by a Property Owner as a result of Connection to an existing sewage collection system will be the sole obligation of the Property Owner.

CHAPTER 2 - SEPTIC PROGRAM RULES

2.1 Schedule of Values

Reimbursement for Repair or Remediation is based on a predetermined schedule of values that is based on an analysis of the cost of similar work within the East of Hudson portion of the New York City Water Supply Watershed. The schedule of values includes unit costs for standard components of a septic system (e.g. septic tanks, pipe, fill).

Engineering costs are also eligible for reimbursement and are limited to only what is necessary to produce an approved plan and subject to the Schedule of Values. All engineering and design costs that are in excess of 20% of the total cost of construction will not be considered eligible, and therefore, will not be reimbursed.

2.2 Property Owner Portion of Cost

NYCDEP or its Authorized Agent will pay a portion of the eligible costs of needed Rehabilitation for Primary Residents. For the majority of Eligible Systems, the Septic Program will seek to provide a reimbursement of up to 50% of the cost of the Rehabilitation based on the components and amounts listed in the schedule of values.

In cases of demonstrated financial hardship, the Septic Program may pay up to 75% of the cost of Rehabilitation as outlined by the schedule of values. For the purposes of this Septic Program, financial hardship will be defined as an annual household income of 200% or less of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). In order to demonstrate financial hardship, the Property Owner will be required to submit, at a minimum, documentation of income and household size.

For all systems, the Property Owner will initially be responsible for 100% of the Rehabilitation Cost. Upon completion of the Rehabilitation and submittal of the reimbursement application, NYCDEP or its Authorized Agent will determine the final reimbursement amount using the Septic Program schedule of values. Any portion in excess of the amount identified on the schedule of values will remain the responsibility of the Property Owner.

Reimbursement under the Septic Program is limited, unless otherwise approved in writing by NYCDEP, to \$25,000. The Property Owner is responsible for all costs above this maximum reimbursement amount. The Septic Program will also not reimburse property owners for any Rehabilitation activities where the reimbursable amount is less than \$1,000.

2.3 Eligible Costs

Before any payments are made under the Septic Program, NYCDEP or its Authorized Agent must determine that it is an Eligible System and that the costs incurred are reasonable and necessary for work done to a septic system that has been determined to be in failure by a Qualified Inspector. NYCDEP reserves the right to allow other costs to be eligible in unique circumstances. Only costs incurred within the Period of Eligibility will be eligible for reimbursement under the Septic Program.

For Remediations, only items included on designs approved by NYCDEP and WCHD will be eligible for reimbursement. For Repairs and Remediation, components will be reimbursed as per the schedule of values.

The determination as to whether a system is in need of a Repair versus a Remediation will be made by the WCHD and/or NYCDEP following the initial evaluation of the system, and will be based on the definitions and requirements outlined in the WCHD Rules and Regulations and the Watershed Regulations. The Property Owner will be informed as to whether a Rehabilitation is considered a Repair or Remediation.

NYCDEP or its Authorized Agent reserves the right to deny a request for reimbursement for project components that it deems unnecessary or excessive given the Remediation or Repair to be completed. Generally, the following shall apply to all Eligible Systems:

1. The inspection, design, Repair or Remediation of the system must be in accordance with the following:
 - a) Inspection shall include no more than one pump-out of each treatment unit.
 - b) Engineering design costs and site inspections are eligible only to the extent needed to complete a design for approval. Engineering inspections, design costs, as-built drawings and filing costs are eligible subject to the Septic Program schedule of values. Any change orders must be reviewed and approved in advance by NYCDEP its Authorized Agent.
 - c) Both design and construction of any Remediation must have been approved by WCHD and NYCDEP.
 - d) NYCDEP or its Authorized Agent may deem ineligible costs incurred for oversized systems or work that NYCDEP determines to be outside the requirements of 75-A, WCHD Rules and Regulations, Chapter 18-38 of the Watershed Regulations, or work not otherwise required as a condition of WCHD and NYCDEP approval and superfluous to the achievement of adequate sewage treatment.
2. NYCDEP or its Authorized Agent must determine the cost of work performed to be reasonable. NYCDEP or its Authorized Agent shall determine costs to be reasonable based upon the established schedule of values.

3. A Property Owner seeking reimbursement for necessary incidental costs that were required for installation of an adequate septic system might be eligible for reimbursement at reasonable cost. Each of these costs would require prior written approval of NYCDEP or its Authorized Agent in order to determine eligibility. Potential necessary incidental costs shall include but not be limited to the following:
 - a) The cost of land purchase, easements or maintenance agreements if needed for installation of an adequate septic system.
 - b) Legal costs required solely for installation of the septic system.
 - c) Survey costs used for topography studies needed for the design of the septic system.
 - d) Septic structures, such as gas baffles or effluent filters in septic tanks and speed levelers in distribution boxes, shall be installed on all systems if practical. When outlet filters are installed, they must be designed and installed so that they can be removed without harming the integrity of the septic tank baffles or sanitary tee.
4. In all cases, the least expensive, technologically appropriate alternative needed to upgrade a failed system as close as is reasonable to Appendix 75-A and WCHD Rules and Regulations will be eligible.

2.4 Disallowed Costs

Items are not eligible for reimbursement under the Septic Program include, but are not limited to:

1. all expenses incurred outside of the Period of Eligibility;
2. Remediation completed without design approval from WCHD and NYCDEP;
3. expenses without appropriate documentation;
4. expenditures that do not follow the prior approval and notification procedures;
5. cash payments for Rehabilitation expenses;
6. interest and late fees;
7. fines and penalties;
8. sales tax;
9. non-essential site beautification or restoration;
10. interior plumbing changes not approved in advance by NYCDEP or its Authorized Agent;
11. administrative work conducted by the engineer;
12. engineering costs in excess of 20% the total construction costs;
13. change order work not approved in advance by NYCDEP or its Authorized Agent;
14. operation and maintenance (e.g. pump-outs) of a septic system; and
15. sewer rates or fees associated with connection to a County or Local Sewer District.

2.5 Duplication of Payment Prohibited

The Septic Program will pay only once for the Rehabilitation of any component of an Eligible System. Any component of a septic system for which the Property Owner has previously received funding under any part of the Septic Program will not be eligible for additional funding through the Septic Program until all other systems have been addressed, unless specifically approved by the NYCDEP, due to unique circumstances. Unique circumstances will be evaluated on a case by case basis by NYCDEP and may include, but are not necessarily limited to, documentation that the previous funding addressed only part of the component, that a managed Repair was installed, or that a provisional Repair was installed.

NYCDEP or its Authorized Agent will maintain records of all payments made under this Septic Program, based on Property Owner, tax identification number and location.

2.6 Areas with Limited Eligibility

Some residences within the Kensico Watershed have limited eligibility to be included in the Septic Program because another MOA program will potentially alleviate the need for a functioning septic system at that Residence. All Property Owners should contact NYCDEP or its Authorized Agent to confirm eligibility under the Septic Program.

Properties located in the following areas may have limited eligibility to be included in this Septic Program. A Property Owner who is eligible to participate in the alternate programs listed below shall not be eligible to participate in the Septic Program until all other systems within the Watershed have been addressed, unless specifically approved by the NYCDEP, due to unique circumstances.

1. Residences scheduled to be included in the North Castle sewer extension program around the area of Quarry Heights.
2. Residences under consideration for the Mount Pleasant sewer extension program around the area of Pheasant Run Road.

2.7 Sewer Connection Costs

Septic Program funds may be used to pay for certain costs to connect Eligible Systems to an existing sewage collection system. Coordination of these efforts will be made with the municipalities. Determination about whether Septic Program funds can be used to reimburse Connection costs will be at the discretion of NYCDEP and may include evaluation of one or all of the following

1. cost of septic Repair versus cost of Connection;
2. availability of sewer mains;
3. estimated timeframe for sewer Connection services; and
4. requirements of other federal, state, or County regulatory authority.

2.8 Determination of Eligibility

In order to be deemed eligible for participation in the Septic Program, a system must meet the requirements outlined in this Septic Program plan. NYCDEP will be solely responsible for determining if a site is eligible for reimbursement under the Septic Program.

Upon being contacted by a Property Owner, NYCDEP or its Authorized Agent will confirm that the property is located within one of the priority areas of the Kensico Watershed and meets the estimated design flow and land use requirements outlined above. NYCDEP or its Authorized Agent will then describe the Septic Program to the Property Owner including:

1. that participation in the Septic Program is voluntary;
2. the general Septic Program structure and procedures;
3. the Septic Program eligibility criteria;
4. the Property Owner's responsibilities to secure a design consultant and licensed construction contractor;
5. the cost sharing provisions and the schedule of value limits; and
6. all NYCDEP information is subject to the Freedom of Information Act.

A Property Owner that has received an NOV from WCHD or NYCDEP on or after November 30, 2008 and meets all other eligibility requirements as outlined above will be eligible for participation on the Septic Program. If NYCDEP or WCHD has not previously visited the property and/or an NOV has not been previously issued, the Property Owner should contact an independent, licensed septic contractor to perform a pump out and on-site evaluation of the septic system. The Property Owner must notify NYCDEP or its Authorized Agent at least two (2) days in advance of this pump out and evaluation to provide NYCDEP with the opportunity to observe. In certain instances, NYCDEP may waive this notification requirement.

The Property Owner is responsible for 100% of the cost of the pump out and on-site evaluation. Reimbursement for the cost of the pump out and on-site evaluation may be available if the findings of the inspection result in an Eligible Project. Specific tasks that may be done during the pump out and on-site evaluation of the septic system and adjacent areas may include, but are not limited to:

1. examining internal plumbing configuration and connections;
2. recording general layout of the septic system components;
3. assessment of external site features, including observation of conditions which may indicate septic problems;
4. pumping out and inspecting the interior of the septic tank;
5. dye test, if needed to identify failing systems, which may require one or more brief revisits to check for dye on the property; and collection of data which could indicate that the future performance of the system.

Upon completion of the pump out and on-site evaluation, the contractor is required by Westchester County Sanitary Code to submit a Septic System Data Form to the WCHD, which provides a preliminary indication of whether a failure condition exists. The Property Owner must obtain a copy of this form from the contractor and submit it to NYCDEP or its Authorized Agent for review. Based on the information in the Septic System Data Form, the WCHD or NYCDEP may subsequently conduct additional site inspections.

If the pump out and evaluation, and subsequent WCHD or NYCDEP inspections, if any, identifies failure conditions, as determined by WCHD or NYCDEP, the NYCDEP or its Authorized Agent will provide the Property Owner with a list of licensed septic contractors in Westchester County. The Property Owner will be responsible for selecting a contractor in order to schedule and proceed with detailed inspection of identified problems if necessary, which may include additional pump outs and inspection of the septic tank, uncovering other buried system components, and deep test pits in the leach area. Reimbursement for activities associated with the diagnosis of Repair or Remediation needs will be in accordance with the schedule of values described above.

Only a Qualified Inspector as defined by Section 1.1 of this Septic Program rules may act as inspector in order to make the determination that a septic system has failed. A system that has received that determination and meets all other Septic Program rules will be considered eligible for funding under this Septic Program.

2.9 Prerequisites to Reimbursement

The following prerequisites must be met in order to file an application for reimbursement:

1. A Property Owner that receives an NOV on or after November 30, 2008 for their septic system or whose system has been determined to be in failure by a Qualified Inspector may be eligible. Property Owners need to contact NYCDEP or its Authorized Agent to determine eligibility for Septic Program funding and to receive an information packet.
2. If the septic system is within the phased priority area and the system is in failure, the Property Owner must sign the Program Agreement certifying that he/she will agree to the Septic Program rules during construction and continue operation and maintenance of the system.
3. The Property Owner shall be advised by NYCDEP as to the determination of Repair, Remediation, or Connection of their sewage system.
4. The Property Owner is responsible to obtain any necessary permits from the WCHD, NYCDEP and the local municipality whichever is applicable, before proceeding with construction.
5. To be eligible for reimbursement, all persons completing Rehabilitation work pursuant to this Septic Program must be properly licensed to engage in such work where required by Section 873.722 of the Westchester County Sanitary Code.
6. For an Eligible System:

a. Remediation

- i. The Property Owner shall secure a contractor to prepare and submit engineering designs, including soil test and any other required test results, to NYCDEP and WCHD for review and approval. The Property Owner may also request that NYCDEP or its Authorized Agent determine which elements of the design are eligible for reimbursement under the Septic Program.
- ii. The Property Owner is responsible to obtain Final Design Approval from the WCHD prior to beginning the Remediation.
- iii. Following approval by WCHD, the Property Owner shall obtain a quote on a pre-approved bid form. It is strongly recommended that the Property Owner obtain quotes from at least three septic contractors and submit these quotes to NYCDEP or its Authorized Agent for a preliminary reimbursement estimate. In the event that the total construction cost of the Remediation exceeds \$30,000 (i.e. proposed reimbursement request exceeds \$15,000), the Property Owner must submit the quotes to NYCDEP or its Authorized Agent for approval before construction may begin. Reimbursements will not be issued for any Remediation where the total construction cost is greater than \$30,000 for which the required pre-approval was not obtained.
- iv. After construction is complete for a Remediation and construction approval has been issued by WCHD the Property Owner may submit an application for reimbursement to NYCDEP's Authorized Agent.

b. Repair

- i. The Property Owner must obtain a written scope of work from a construction contractor and submit the scope of work to NYCDEP or its Authorized Agent to determine which elements of the Repair are eligible for reimbursement.
- ii. It is recommended that the Property Owner obtain at least three written quotes on a pre-approved bid form prior to construction, and submit these quotes to NYCDEP or its Authorized Agent for a preliminary eligibility determination and reimbursement estimate.
- iii. For Repairs not requiring prior regulatory review and approval by WCHD or NYCDEP pursuant to the WCHD Rules and Regulations or the Watershed Regulations, the Property Owner or its construction contractor must submit to NYCDEP or its Authorized Agent a copy of the Westchester County Onsite Wastewater Treatment System (OWTS) Repair and Remediation Data Form upon project completion. For the purposes of the Septic Program, this form will serve as proof of

completed construction. Additional material may be required during the review of the reimbursement application.

- c. Guidance for the Connection alternative will be provided on a case by case basis at this discretion of NYCDEP. Terms are set forth in Section 1.2.2 herein but, due to the discretionary nature of the Connection alternative, are not exhaustive.
7. To be eligible for reimbursement for any Rehabilitation, the Property Owner must provide NYCDEP with the opportunity to perform an open works inspection of construction. Notification by the Property Owner to NYCDEP for the purposes of the Septic Program shall be not less than two (2) business days prior to date of project completion. Please note that in certain circumstances the Property Owner is required by the WCHD Rules and Regulations to provide notice to WCHD staff to perform an open works inspection. Any regulatory notifications pursuant to the WCHD Rules and Regulations are in addition to the requirements of the Septic Program and are the sole responsibility of the Property Owner.

2.10 Application for Reimbursement

To apply for reimbursement, a Property Owner shall fill out an application form supplied by NYCDEP or its Authorized Agent. The NYCDEP or its Authorized Agent shall make payments according to the established schedule of values after receipt of a completed application form with attachments, including documentation of the date of any inspections and a description of subcontractor work completed (e.g., tank pump-out, test pits), NYCDEP and WCHD approval of design and of construction, a description of work completed, subcontractor's invoices and any other information and supporting documents deemed necessary to determine eligibility of the costs. The following original documentation is required to verify cost incurred and to process reimbursements:

1. original contractor invoice(s), and
2. any one of the following:
 - a) canceled check(s) or bank copy of canceled check; or
 - b) money order receipt(s)

Reimbursements to the Property Owner can only be made following the completion of the open works site inspection by NYCDEP or WCHD and receipt of the as-built drawings from the Property Owner's engineer, or in the case of Repair, submission of the WCHD Onsite Wastewater Treatment System Repair and Remediation Data Form in accordance with the Westchester County Sanitary Code, a copy of which must also be forwarded to NYCDEP or its Authorized Agent.

NYCDEP may in unique or special circumstances accept applications for reimbursement that are not in conformance with the procedures outlined in Sections 2.3 through 2.10 of this Chapter. The decision to accept, approve, or deny such reimbursement requests will be at the sole discretion of NYCDEP and may require additional documentation such as written justifications and/or notarized affidavits from the Property Owner and/or septic contractor.

The availability of funds for individual reimbursement of Property Owners is not intended to establish an entitlement for any person and NYCDEP reserves the right to limit the ultimate reimbursement in order to avoid excessive charges. NYCDEP also reserves the right, where required, to request documentation or justification in addition to those items listed above.

2.11 Review of Applications

NYCDEP's Authorized Agent shall be authorized to approve, modify or deny the reimbursement request based on the submitted documentation and the Septic Program schedule of values.

Approval of a request for reimbursement shall be conditioned upon the Property Owner's agreement to have the septic system pumped out and/or inspected if NYCDEP determines that such pump-outs are necessary to protect water quality. Any such pump-out will be paid for by the Property Owner.

2.12 Appeals Process

A Property Owner who believes that his or her application for reimbursement was wrongly denied, in whole or in part, may request a review of the disputed claim(s) by NYCDEP. The Property Owner shall submit such request for appeal in writing to NYCDEP, by certified mail return receipt requested. Appeals may be mailed to:

NYCDEP
Bureau of Water Supply
EOH Community Planning
465 Columbus Avenue, Suite 270
Valhalla, NY 10595
Attn: Kensico Septic Program

In the request for appeal, the Property Owner must clearly identify the basis for the appeal and include supporting documentation as necessary. Vague or incomplete information will not be interpreted in the applicant's favor. The NYCDEP shall act upon each written request no later than thirty (30) days after receipt of the completed written request for appeal.

The NYCDEP may reverse the decision to deny reimbursement, in whole or in part, for reasons including but not limited to the following circumstances:

1. Property Owner was wrongly deemed ineligible;
2. Property Owner was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the work for which reimbursement is sought was not necessary;

3. Property Owner was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the cost of the work for which reimbursement is sought is not reasonable; or
4. There are special circumstances that warrant eligibility to the Septic Program or that warrant reimbursement thereunder.

2.13 Method of Payment

NYCDEP's Authorized Agent shall pay the approved amount to the Property Owner within 45 days of receipt of a completed application. Payments will be issued directly to the Property Owner and sent by certified mail to the Primary Residence. NYCDEP reserves the right to extend this timeline in cases where additional documentation or justification is required by NYCDEP or its Authorized Agent.

CHAPTER 3 –SEPTIC SYSTEM STANDARDS AND REHABILITATION GUIDELINES

3.1 System Standards

The Septic Program includes standards for determining whether a system will be eligible for Repair or Remediation, and for determining the appropriate Repair or Remediation. This chapter identifies under what conditions a septic system might be Repaired or Remediated and sets forth suggested guidelines for site analysis to identify the needed construction.

The standards for the Septic Program are consistent with Watershed Regulations governing existing subsurface sewage treatment systems. The design and construction of the septic system Remediation must be approved by the WCHD and NYCDEP.

Wherever feasible, a failed system shall be brought into full compliance with Appendix 75-A. When full compliance with the standards of Appendix 75-A is not feasible or practicable, the system should be upgraded based upon best professional judgment to the extent feasible to maximize protection of public health and safety. Departure from the parameters of Appendix 75-A shall be minimized to allow for the best feasible upgrade within the borders of the lot, while preserving public health, safety and the environment.

Existing non-complying sewage disposal systems that do not meet the standards of Appendix 75-A or the WCHD Rules and Regulations but are not failing do not meet the eligibility requirements of the Septic Program.

3.2 Septic System Conditions Warranting Rehabilitation

If any of the following conditions are identified during an inspection, these are indications the septic system may be failing. The process of Rehabilitation may require additional inspections and an additional pump-out. Indicators of a failure include, but are not limited to, the following:

1. Indicators of an overloaded and/or Clogged Absorption Area, including Seepage Pit, Leach Field or Cesspool:
 - a) There is backup of sewage into the facility served by the system or any component of the system as a result of an overloaded and/or clogged leach field, seepage pit or cesspool.
 - b) There is a discharge of effluent directly or indirectly to the surface of the ground (e.g. ponding, surface breakout) or to surface water.
 - c) The system contains a cesspool without a separate tank component for primary solids separation and storage, (e.g., no septic tank).

- d) The septic tank requires pumping four times a year or more. This may be due solely to the presence of a garbage grinder or may indicate a problem with the septic tank or absorption system.
 - e) Other indicator in the judgment of the Qualified Inspector.
2. Component Deficiencies:
- a) The septic tank is made of metal and does not comply with the UL-70 standard, or is made of metal, masonry block or other material and shows signs of deterioration or is cracked or otherwise structurally unsound, indicating that significant infiltration or exfiltration is occurring.
 - b) Distribution box is not level.
 - c) Services line(s) are cracked/opened.
 - d) Any pretreatment unit is not functioning properly.
3. Location Deficiencies:
- a) Any portion of the absorption area extends to within 2 feet of the seasonal high groundwater elevation.
 - b) Any portion of the absorption area is located within 300 feet of the Kensico Reservoir or reservoir stem or within 100 feet of a watercourse or New York State regulated freshwater wetland.
 - c) Any portion of the absorption area is located within 100 feet of an individual well, or 200 feet of a public water supply or 200 feet from an individual well that is located downhill and in direct line of drainage from the absorption facility.
4. Sanitary privies are not of the pit, watertight vault, or removable watertight receptacle type. All sanitary privies should be constructed in accordance with the NYSDOH handbook entitled Individual Residential Wastewater Treatment Systems Design Manual. Sanitary privies should be evaluated as to performance and location and, where appropriate, brought up to current standards for non-waterborne systems. If a determination is made that a sanitary privy is an inadequate sewage disposal method based on its location and/or the volume of disposed waste, a composting toilet or subsurface sewage treatment system should be installed.

3.3 Site Analysis and Repair Guidelines

These guidelines are presented as a platform to begin assessing Repair or Remediation options needed to address septic system failures, and are provided only as an illustration of the types of Repairs or Remediation that may be necessary. Final Rehabilitation decisions should, as always, be tailored to the specific site and based upon best professional judgment of a licensed septic contractor or NYS Professional Engineer (P.E.) in consultation with the appropriate regulatory staff at NYCDEP, WCHD, and the local municipality.

1. A plugged septic line from the house caused the problem:
 - a) Determine the cause (e.g. improperly functioning garbage grinder, flushing diapers)
 - b) Repair or replace the pipe, as needed. Do not simply use an electric snake or root cutting device without addressing primary cause. Clean-outs should be installed on all systems regardless of whether the line is plugged or not.
2. The problem is caused by an inadequate septic tank:
 - a) If there is no septic tank, a new, complete septic system may be required. At minimum, a tank should be installed. Evaluate the site and site soils. Design and install a new septic system if needed.
 - b) A leaking septic tank is to be repaired or replaced. Evaluate the site and site soils. Design and install a new septic system, if needed.
 - c) Corroded tank or cover: replace, upgrading to current standards.
 - d) Baffle or sanitary tee is missing or damaged: Repair or replace. If repair that includes sanitary tee or baffles is impractical, consider tank replacement.
 - e) Tank is undersized for dwelling: replace tank or install a second tank.
 - f) Access/inspection ports are buried too deep or no access port exists.
 - Install watertight extension collars to bring ports within 12" depth from surface, or
 - Install a new septic tank cover which has ports (septic tank access still needs to be ~ 12" below grade).
3. Distribution box (D-box) is inadequate:
 - a) D-box is out of level: determine why the D-box is out of level, level the D-box, and address the cause of the D-box being out of level. Add speed-levelers to the outlet ports on gravity systems if they are missing.
 - b) The D-box cracked or broken: replace the D-box and on gravity systems add speed-levelers to the new D-box.
4. A plugged leach field or seepage pit causes the problem:
 - a) Leach field or seepage pit is completely nonfunctional (e.g. effluent diverted to a road ditch or stream).
 - 1) Evaluate site and site soils.
 - 2) Design and install a new subsurface treatment system.
 - 3) If high groundwater is the reason for inadequacy, install a curtain drain to lower the water table to a depth that will ensure proper groundwater separation in accordance with current standards. A raised system may be necessary and should be installed in accordance with current standards.
 - 4) If the site will not support an absorption area, see section 4.c), below.
 - 5) Consider connection to existing municipal sewage collection system if available.
 - b) Septage effluent is ponded in some trenches (e.g. partial hydraulic failure).

- 1) Determine the likely cause (e.g. out-of-level D-box, plugged leach field, water overuse, surface water diversions).
 - 2) Check leach field performance with a dye test.
 - 3) Evaluate site and site soils.
 - 4) Recommend installation of water-saving fixtures or redirect surface/sump water discharge if storm water is improperly being sent to the septic system.
 - 5) Replace the failed lateral(s), close off the flow to these laterals and replace and properly size lateral(s) parallel along other side of field, reconfigure D-Box, or relocate the absorption area.
- c) Inadequate area is available for leach field expansion or replacement.
- 1) Consider pumping effluent to a suitable area.
 - 2) Install the BAT.
 - 3) Consider joining with a neighbor's leach field, if possible. This option requires a maintenance agreement between Property Owners.
 - 4) Consider non-waterborne septic system options.
 - 5) Consider connection to an existing municipal sewage collection system if available.
5. The problem is caused by poor siting of the leach field or seepage pit.
- a) Expansion is possible:
- 1) Evaluate site.
 - 2) Expand absorption area as necessary.
 - 3) Consider connection to an existing municipal sewage collection system if available.
- b) Expansion is not possible due to site or soil constraints:
- 1) Evaluate soils.
 - 2) Design and install a replacement, if possible.
 - 3) If impossible, then see 4.c), above.
 - 4) Consider connection to an existing municipal sewage collection system if available.
- c) There is insufficient setback distance from watercourse, well or property line: Perform a dye test.
- 1) If dye is detected, then replace or repair the system with the BAT.
 - 2) If no dye is detected, expand the absorption area if appropriate and/or add a second septic tank in series.
 - 3) Consider connection to an existing municipal sewage collection system if available