

**Peter B. Harckham**  
Legislator, 2nd District



**Committee Assignments:**  
Budget & Appropriations  
Environment & Energy  
Government Operations  
Legislation  
Public Safety & Security

To: Hon. Edward Brancati  
Supervisor, Town of Lewisboro

Hon. Lee Roberts  
Supervisor, Town of Bedford

Hon. Linda Puglisi  
Supervisor, Town of Cortlandt

Hon. Joan Walsh  
Supervisor, Town/Village of Harrison

Hon. J. Michael Cindrich  
Supervisor/Mayor, Town/Village of Mt. Kisco

Hon Robert Meehan  
Supervisor, Town of Mt Pleasant

Hon. Barbara Gerrard  
Supervisor, Town of New Castle

Hon. Reese Berman  
Supervisor, Town of North Castle

Hon. Warren Lucas  
Supervisor, Town of North Salem

Hon. Gary Warshauer  
Supervisor, Town of Pound Ridge

Hon. Mary Beth Murphy  
Supervisor, Town of Somers

Hon. Donald Peters  
Supervisor, Town of Yorktown

From: Peter B. Harckham

Date: December 15, 2009

**Re: MS-4 Septic Requirement, Comprehensive Shared Services Program**

CC: Ken Kosinski, New York State DEC  
Hon. Thomas Abinanti, Chair, Committee on Environment and Energy  
Hon. Robert Astorino, County Executive Elect  
Subcommittee on Septics Members and Ad Hoc Members  
Hon. Charles Duffy, Supervisor - Elect Town of Lewisboro  
Hon. William Weaver, Supervisor - Elect Town of North Castle  
Hon. Susan Siegel, Supervisor-Elect Town of Yorktown  
Hon. Joan Maybury, Deputy Supervisor, Town of Mt Pleasant

Attachments

## **Introduction**

The Board of Legislators Subcommittee on Septics and the New York State Department of Environmental Conservation have designed a program to assist your municipality with compliance with the MS-4 septic requirement as stated in the new SPDES Permit. This letter will provide you with the complete package of the Comprehensive Shared Services Program. Please note that this shared services approach is entirely voluntary (though the MS-4 septic requirement is not) and your municipality is free to pursue its own solution to satisfying this requirement. However, after over one year of intense work with the Towns of the Northern Westchester Watershed Committee (NWWC) and the NYS DEC, the subcommittee believes that this is clearly the most cost effective approach to satisfy this new requirement. It is important to note that the NYSDEC has also indicated that this approach is an acceptable way to satisfy the MS-4 permit requirement.

The Westchester County Board of Legislators Subcommittee on Septics was empowered in April 2008 and is a subcommittee of the Committee on Environment and Energy. The mission of the Subcommittee on Septics is to provide a forum to study and to discuss septic issues on a regular basis, as well as to formulate policy recommendations. The committee represents members of the policy-making spectrum (Administration, Legislature, Planning Department, Health Department, local government, environmental community and the engineering community) with the goal of forging broad consensus during the policy formulation process. The Sub-Committee will make periodic reports to the Environment & Energy Committee and to other interested parties, as well as submit specific policy recommendations.

The Subcommittee is chaired by Hon. Peter Harckham, 2<sup>nd</sup> L.D. and includes legislators Hon. John Nonna, 3<sup>rd</sup> L.D. and Hon. Michael Kaplowitz, 4<sup>th</sup> L.D. Also included on the Subcommittee are non-legislator members who are stakeholders in the field of septic management: Gina D'Agrosa, Westchester County Water Master; Susan Gerry, Westchester County Executive's Office; Leonard Meyerson, Westchester County Department of Health; Hon. Richard Lyman, Board member, Town of Pound Ridge; Hon. Mary Beth Murphy, Supervisor, Town of Somers, Chair NWWC; Hon. Dan Welsh, Board member, Town of Lewisboro; Roberta Wiernik, LWV Environment Committee; William C. Harding, NYS Department of State: Executive Director, Watershed Protection and Partnership Council; Michael J. Meyer, Program Manager, Bureau of Water Supply NYCDEP; Ed Barnett, Putnam County Watershed Information Coordinator, Administrator, Putnam County Septic Repair Program; Ed Delaney, Bibbo Associates.

Regular contributing members are Ken Kosinski and Robert Capowski, New York State Department of Environmental Conservation; Jerry Faiella, Administrator, Town of New Castle; Hon. Don Peters, Supervisor, Town of Yorktown; Bruce Thompson, Building Inspector, Town of North Salem; Hon. Lee Roberts, Supervisor, Town of Bedford and numerous other local officials and staff.

## **Background**

Effective May 1, 2008, the New York State Department of Environmental Conservation issued the new SPDES General Permit GP-0-08-002 for Municipal Separate Storm Sewer Systems. For MS-4's in the East of Hudson Watershed, **there will now be a septic inspection and maintenance requirement.** This shared services program is intended to implement the provisions of *Part IX.A.3.b. of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-08-002 ('Permit') for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS-4)*. The regulations require that the municipality implement and enforce a program to ensure that separate sewage disposal systems/onsite wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b. of the Permit and/or similar provisions in successor Permits.

The current draft MS4 Permit requires that each municipality in the East of Hudson Watershed:

*“Develop, implement and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum of once every five years. Program development shall include the establishment of the necessary legal authority to implement the program.”*

In 2008, the NWWC, Chaired by Hon. Mary Beth Murphy, Supervisor, Town of Somers, decided to explore a shared approach to satisfying certain requirements of the new permit. It was decided that the NWWC would formulate a joint approach to MS-4 stormwater retrofits, and the Westchester County Board of Legislators Subcommittee on Septics would craft a shared services approach to the new septic requirements.

## **Discussion**

The Subcommittee's first task was to ascertain from DEC exactly how it defined “inspected” since there are several ways to inspect a septic system, some quite costly. The Subcommittee reviewed with DEC the current Westchester County Health Department septic management protocol. When a property owner contacts a septage hauler to pump out their system, Westchester law requires the hauler to submit the Septic System Data Form (enclosed). This form logs data on date of service, type of tank, gallons, depth, scum layer, sludge layer, address, type of system, etc. There is also a line to report “any evidence of exposed or discharged septage onto ground surface.” If the answer is “yes”, the Westchester County Department of Health dispatches trained sanitarians to implement a dye test and perform a more comprehensive inspection. If a problem is found, the property owner is then required to fix the situation.

NYS DEC found this approach would satisfy its definition of “inspected” since problematic systems are required to have a follow up inspection by a trained sanitarian from the County Health Department and problematic systems are required to be repaired per county law. Therefore, “Inspection” shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent required reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code (see attached Local Law Appendix for complete text of codes).

The data obtained through this process will be logged into a central database. However, the gap in this approach for MS-4 compliance is that currently it is an entirely voluntary system since the only properties covered in a municipality would be those that voluntarily pumped their system within the cycle of the permit.

The SPDES Permit requires that municipalities *“shall include the establishment of the necessary legal authority to implement the program.”* The next task for the Subcommittee was to draft a Model Local Ordinance to require that all septic parcels in a municipality are “inspected” in the cycle specified by the permit. The Subcommittee worked with NYS DEC on the language of the Model Local Ordinance. NYS DEC indicated that the Model Local Law should have penalties (to be selected by the municipality) for non-compliance by property owners, and that there be no waivers from this requirement. The DEC did allow for application for temporary time variances due to site specific conditions such as construction, impending sewerage, etc.

The Subcommittee and NYS DEC reached agreement on language for a Model Local Law that would satisfy the “establishment of the necessary legal authority” and ensure that all systems within a municipality are “inspected” (enclosed). **Please note: NYS DEC has approved the specific language of this model law. Any deviation from this model ordinance by your municipality would require approval by DEC.** As with any regulatory statute, please check with your Town Attorney and the appropriate regulatory agencies before approval by your Town Board.

Once the protocol and the Model Local Law were in place, the remaining issue to be determined was how to assist the municipalities in reporting compliance. Since the septage haulers are now reporting to the County on every parcel “inspected”, the challenge was to get that data in an accessible format into the hands of local officials. The County has begun creating a GIS based Septic Database of all septic parcels in the county by tax lot and address. All of the municipalities have already provided septic maps for their jurisdictions for incorporation into the database. Each parcel will have a data bucket containing reporting information from the Septic System Data Form, repair or construction information as well as any historical drawings or construction documents. The database will be paid for by grants received from NY State and Westchester County. As part of your MS-4 permit, municipalities will also need to report on the

status of the Septic Program to the NYS DEC, and access to this information will be helpful to this process.

Municipalities will have secure online access to this database to generate reports, ascertain compliance and to generate mailings regarding the septic program. In addition, this will allow instant digital access to historical information and drawings.

### **Summary**

This shared services approach is a simple, cost effective program to assist municipalities to implement a complex state mandate. In short, this approach:

1. Utilizes existing private sector assets to "inspect" and report, and provides existing County Health Department resources for inspection follow up if needed;
2. Provides a model local law that ensures that municipalities will establish the required legal authority necessary and will cover all parcels within their jurisdiction to be in compliance with this section of the permit;
3. Creates a secure, online, countywide database of septic parcels to ensure compliance and to aid in reporting.

Attached to this memorandum, please find:

1. Septic System Data Form
2. Model Local Law
3. Appendix to Model Local Law Containing relevant County Health Codes
4. Shared Services Approach Narrative for inclusion in individual municipal SPDES Permit reporting
5. Correspondences from Ken Kosinski, NYSDEC

The Subcommittee on Septics will be making a formal presentation on this program to the NWWC and would also be happy to meet with you and your Boards to discuss this program in detail. Should you have questions or comments, please do not hesitate to contact me.



COUNTY OF WESTCHESTER  
DEPARTMENT OF HEALTH  
145 Huguenot Street, 7<sup>th</sup> Floor, New Rochelle, NY 10801

**SEPTIC SYSTEM DATA FORM**

Vehicle License # \_\_\_\_\_ Vehicle Rated Tank Capacity \_\_\_\_\_ Gallons

County Health Department Septage Collection Vehicle Decal # \_\_\_\_\_

**Warning:** The discharge of waste originating from outside the County into the County trunk sewer system is prohibited under section 824.221 of the laws of Westchester County. Any violation of applicable sections of the Sewer Act may subject you to civil liability fines and/or Imprisonment, and also may subject you to civil liability including that which is set forth in section 824.371 of the laws of Westchester County.

This form shall be completed in its entirety and a copy shall be provided to the property owner for all septage collected in Westchester County pursuant to Chapter 873, Article VIII, Section 873.724 of the Laws of Westchester County. The original of this form is to be submitted with the Sanitary Waste Contractor Disposal Permit at time of disposal at a County facility. For disposal outside of Westchester County, the original is to be submitted to the Westchester County Department of Health, 145 Huguenot Street, 7<sup>th</sup> Floor, New Rochelle, NY 10801. Failure to provide legible and complete information on this form will prevent allowance of vehicle discharge.

Contact person must be indicated only if customer serviced is other than a single-family residence.

Property Owner \_\_\_\_\_

Contact Person on Site \_\_\_\_\_ Tel. # \_\_\_\_\_

Property Address (No. & Street) \_\_\_\_\_

Post Office \_\_\_\_\_ Zip Code \_\_\_\_\_

Municipality \_\_\_\_\_ Date of Service \_\_\_\_\_

Property Type (circle): Single Family Multi-Family Industrial Commercial Other \_\_\_\_\_

Number of Bedrooms \_\_\_\_\_

Indicate the number of each type of component evacuated and the gallons evacuated from each component.

Number	Gallons	Tank Depth (feet)	Scum Layer Thickness (Inches)	Sludge Layer Thickness (inches)
_____ Septic tank	_____	_____	_____	_____
_____ Cesspool	_____	_____	_____	_____
_____ Seepage Pit	_____	_____	_____	_____
_____ Other	_____	Describe _____	_____	_____
_____ Total	_____	_____	_____	_____

Is there any evidence of exposed or discharged septage onto ground surface? (circle): Yes No

Name of Septage Collector \_\_\_\_\_ License # \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of Septage Collection Company \_\_\_\_\_ Tel. # \_\_\_\_\_

Septage Receiving Facility:

\_\_\_\_\_ Hawthorne Manhole WCDEF Ticket Number \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

Disposal Date \_\_\_\_\_

*All Licensed Septage Collectors shall be required to maintain their Westchester County License and must be displayed to the property owner upon request.*

**Final Draft, September 1, 2009**

**Note that this draft model ordinance has not been reviewed by any legal authority, and that each Town should proceed to make the legal evaluation of this proposed ordinance directly in consultation with it's Town counsel.**

**The Town of [ \_\_\_\_\_ ]  
Local Ordinance Regulating the Maintenance of Separate Sewage Disposal  
Systems/On-site Wastewater Systems**

**I. Intent/Purpose:**

The Town of [ \_\_\_\_\_ ] hereby finds that it is necessary to the health, safety, and welfare of the residents of the Town of [ \_\_\_\_\_ ] that separate sewage disposal systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health and to protect the drinking water supply of the Town of [ \_\_\_\_\_ ] and drinking water supplies which pass through the Town of [ \_\_\_\_\_ ].

This ordinance is intended to implement the provisions of Part IX.A.3.b. of the *New York State Department of Environmental Conservation, SPDES General Permit GP-0-08- 002 ('Permit') for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4), effective May 1, 2008*, which require that the Town implement, through the enactment of the necessary legal authority, and enforce a program to ensure that separate sewage disposal systems/onsite wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b. of the Permit and/or similar provisions in successor Permits.

**II. Definitions:**

1. *Separate Sewage Disposal System/On-site Wastewater Treatment System* shall mean a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location with respect to any building or structure or premises thereby served, including but not limited to septic tanks. Such system shall include but shall not be limited to facilities for the treatment or modification or required control of harmful or deleterious substance before subsurface discharge.
2. *Septage Collector* shall mean a licensee who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.
3. *Septage* shall mean the contents of a septic tank or other Separate Sewage Disposal System/On-site Wastewater Treatment System which receives sanitary sewage waste.
4. *Inspection* shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent required reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code (see Appendix for complete codes).
5. *Appeals Authority* - to be established by the governing municipal board.

**III. Inspection Requirements:**

**Final Draft, September 1, 2009**

**Note that this draft model ordinance has not been reviewed by any legal authority, and that each Town should proceed to make the legal evaluation of this proposed ordinance directly in consultation with it's Town counsel.**

1. Beginning on May 1, 2011 , the owner of any parcel located within the Town of [ ] which relies upon a Separate Sewage Disposal System/On-site Wastewater Treatment System for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Wastewater Treatment System at a frequency as required by the Permit and/or successor Permits.

2. Upon the completion of any inspection, every owner shall maintain a copy of the most recent record of such inspection as required by 873.724, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years.

**IV. Waivers/Variance**

1. Waivers

The appeals authority shall not grant a waiver or exemption from any of the requirements of this local law

2. Variance

The appeals authority may vary the time requirements as referenced within this local law, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law .Such extension shall not exceed one hundred eighty (180) days.

**V. Penalties/Enforcement:**

Any owner of a parcel which is located in the Town of [ ] and is served by a Separate Sewage Disposal System/On-site Wastewater Treatment System that violates the provisions of this ordinance, shall be guilty of a violation, and shall be subject to a penalty

(A) as provided for in Section/s [ ] of the Town Code of [ ] (*to be utilized where the Town already has an administrative enforcement/penalty section in place which can be applied to this ordinance*). **---OR---**

(B) as follows:

- (1) the Town [*official/office*] shall first issue a written notice of violation to the owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within [ ] days.
- (2) If the violation is not remedied within [ ] days, the owner shall be subject to a fine of \$[ ].
- (3) Thereafter, and beginning on the [ ] day of the continuing violation, the owner shall be subject to a fine in the amount of \$[ ] for each fourteen (14) day period until the violation is remedied and can be verified in writing by the Town [*office/official*].

**VI. Miscellaneous:**



**Final Draft, September 1, 2009**

**Note that this draft model ordinance has not been reviewed by any legal authority, and that each Town should proceed to make the legal evaluation of this proposed ordinance directly in consultation with it's Town counsel.**

**Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes, or laws including, but not limited to, Article VIII of the Westchester County Sanitary Code.**

**VII. Severability:**

In the event that any provision of this ordinance shall be held unconstitutional or unlawful, the remaining provisions of this ordinance shall remain in full force and effect.

**VIII. Effective Date:**

This ordinance shall take effect immediately upon the filing with the Town/Village Clerk.

## Appendix

### **CHAPTER 873 SANITARY CODE**

[The last complete revision of the Sanitary Code was promulgated in 1959 to be effective September 1, 1959. At that time the Sanitary Code consisted of Articles I through XII. The following is the disposition of those Articles: Article I was repealed effective 9-1-1971 and replaced by Article I of this chapter; Article II is included as Article IV of this chapter; Article III was repealed effective 1-1-1976 and replaced by Article V of this chapter; Article IV is included as Article VI of this chapter, Article V is included as Article VII of this chapter; Article VI was repealed effective 6-1-1976; Article VII is included as Article VIII of this chapter; Article VIII is included as Article IX of this chapter; Article IX was repealed effective 9-1-1971 and replaced by Article X of this chapter; Article X was repealed effective 6-1-1976; Article XI is included as Article XI of this chapter; Article XII is included as Article XII of this chapter. Inasmuch as Ch. 873 contains duplicative section numbers (for example, there is a § 873.411 in both Articles IV and V), when reference is made to a particular section number in Ch. 873 the corresponding article number should also be utilized. This issue is currently under review by the county.]

#### **CROSS REFERENCES**

Department of Health, Ch. 149

Public health, Ch. 261.

#### **Sec. 873.720 Purpose.**

[Added 7-19-2001, eff. 7-19-2001; amended 6-19-2008]

The purpose of this article is two-fold.

#### **A.**

The first purpose is to ensure that the health and safety of the drinking water and other natural resources of the County of Westchester is preserved and that potential threats to such natural resources are monitored and reduced through the implementation of a system whereby providers of onsite wastewater treatment system services will be licensed by the Commissioner of Health and subject to reporting requirements which will enable the Department of Health to record and monitor all available data relating to onsite wastewater treatment systems located within Westchester County, and to establish database and public education systems pursuant thereto; and

#### **B.**

The second purpose is to ensure that the sewage and other wastewater generated from habitable buildings, and properties in Westchester County is processed in the most environmentally appropriate manner possible by requiring all onsite wastewater treatment systems constructed or installed in Westchester County conform to the standards established in the New York State Public Health Law, by the Board of Health and/or the Commissioner of Health, and/or to require, where possible, the connection of such buildings or properties to public sewer systems.

#### **Sec. 873.721 Definitions.**

[Added 7-19-2001, eff. 7-19-2001; amended by L.L. No. 13-2007, § 6, 7; 6-19-2008]

Whenever used in this article, the following terms shall have the meaning set forth below:

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### A.

*Construction* shall mean installation, replacement, expansion, remediation, alteration, and/or modification of onsite wastewater treatment system components; including soil, gravel, pipes, tankage, pits, junction boxes, and all associated appurtenances and/or distribution systems.

### B.

*Repair* shall mean the repair, maintenance, and replacement in kind and in situ of broken, damaged, or worn onsite wastewater treatment system components.

### C.

*Septic system contractor* shall mean an individual who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to onsite wastewater treatment systems: construction; installation; replacement; expansion; repair; remediation; alteration; modification and/or rehabilitation; and servicing, except for evacuation, removal, collection or transportation of septage.

### D.

*Licensed septic system contractor* means a septic system contractor who possesses a valid license issued by the Westchester County Commissioner of Health pursuant to the provisions outlined in section 873.722 herein.

### E.

*Individual* means any person, firm, company, association, corporation, partnership, co-partnership, joint-stock company, trust, governmental entity, or any other legal business entity and/or the employees thereof.

### F.

*Harmful or deleterious substance* shall mean one (1) or a combination of the following:

#### (1)

Roof, cellar, foundation, footing, area, storm, surface or ground water.

#### (2)

Discharge of domestic sewage in excess of one hundred fifty (150) gallons per day per capita or at a rate exceeding three hundred (300) gallons per capita per day within any one-hour period.

#### (3)

Liquid, gaseous, solid or other trade or industrial waste for which a written approval has not been obtained from the official agency having by law responsible charge of the receiving sanitary sewer or sewer treatment works to which such sewer is tributary, when having one (1) or more of the following characteristics at point of discharge:

## Appendix

a.

Volume exceeding the limits acceptable to the above official agency.

b.

Solids in excess of one thousand (1,000) parts per million.

c.

Viscosity in excess of  $1 \frac{10}{100}$ .

d.

Temperature lower than thirty-two (32) degrees Fahrenheit or above one hundred fifty (150) degrees Fahrenheit.

e.

Color in excess of five hundred (500) parts per million.

f.

Biochemical oxygen demand in excess of four hundred (400) parts per million.

g.

Chlorine demand in excess of twenty-five (25) parts per million measured after thirty (30) minutes holding at sixty-eight (68) F.

h.

Suspended solids in excess of three hundred (300) parts per million.

i.

Settleable solids measured by Imhoff cone in one (1) hour in excess of ten (10) milliliters per liter of discharge.

j.

Hydrogen ion concentration below four and one-half (4.5) or in excess of nine and one-half (9.5).

k.

Unshredded garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, grit, abrasives, metal filings, trimmings or other offensive material exclusive of domestic waterborne sewage.

## Appendix

### l.

Chemicals or chemical compounds which are toxic, inflammable or explosive by themselves or upon acidification, alkalization, oxidation or reduction, or are strong reducing agents, inflammable or explosive gases, liquids or solids.

### m.

Viable pathogenic bacteria, other than normally discharged in raw domestic sewage.

### n.

Radioactive material which is not readily soluble in water and in an amount such that the radioactivity shall not exceed one (1) microcurie of Strontium-90 or Polonium-210; or one hundred (100) microcurie of Iodine-131 or Potassium-32, or any other radioactive material having a half-life of more than thirty (30) days; or ten (10) microcuries of other radioactive material; for each one million (1,000,000) gallons of sewage in the receiving sewer. This limit shall not apply to any radioactive material which has been diluted and homogenously mixed with stable isotopes of the same element in the same chemical form to the extent that the dose rate does not exceed three hundred (300) millirems per week.

### G.

*Offensive material* shall mean any sewage, fecal matter, manure, offal, garbage, dead animals, meat wastes, blood, tankage, brine, urine or any putrescible organic matter or the contents of privies, cesspools, septic tanks or chemical toilets, either in liquid or solid state, or any other substance or liquid dangerous or prejudicial to health.

### H.

*Privy* shall mean any non-portable facility or structure provided for the temporary storage or disposal of human excreta without water carriage. This definition shall not apply to other non-waterborne systems regulated by 10 NYCRR Part 75, Appendix 75-A.

### I.

*Sanitary landfill* shall mean the controlled process of disposing of refuse or offensive material by depositing, compacting in layers and completely covering all such refuse and material.

### J.

*Onsite Wastewater Treatment System, (OWTS)* also known as a Septic System, Separate Sewage Disposal System (SSDS) or Subsurface Sewage Treatment System (SSTS) shall mean the whole or any part of a system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, regardless of location with respect to any building or structure or premises thereby served. Such system shall include but shall not be limited to facilities for the treatment or modification or required control of harmful or deleterious substance before discharge to a sewage disposal system (individually and/or collectively referred to herein as "OWTS").

### K.

*Septage* shall mean the contents of a septic tank, cesspool, or other separate sewage disposal system facility which receives domestic sewage waste.

## Appendix

### L.

*Domestic sewage* shall mean water-carried human and animal wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration and surface waste as may be present.

### M.

*Septage collector* shall mean an individual who engages in the performance of any one (1) or more of the following services, or who offers to provide any one (1) or more of the following services for a fee, in Westchester County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

### N.

*Licensed septage collector* means a septage collector who possesses a valid license issued by the Westchester County Commissioner of Health pursuant to the provisions outlined in section 873.722 herein.

### O.

*Major expansion of an existing building or structure* shall be defined as any renovation or expansion of an existing residential building or structure resulting in a gross floor area increase of 100% or more, or 1,000 square feet or more, whichever is less, within any five year period; or resulting in an increase in the total number of bedrooms in such building or structure.

### P.

*Change of use at a commercial or institutional building or structure* shall mean, but not be limited to any change in nature of wastewater generated, any change in quantity of the wastewater generated, any change in utilization or intensity of use of the building or structure, and any change in the type of facility or facilities that occupy the building or structure. Types of facilities shall include but not be limited to housing, retail, food service, office, warehouse, dental, medical, salons, and industrial.

### Q.

*Remediation* shall mean installation, replacement, or expansion of onsite wastewater treatment system components to correct an OWTS failure, or impending failure, resulting in, or that may result in, the discharge of sewage or domestic wastes or trade wastes or offensive material on to the surface of the ground, into a storm sewer, or into a watercourse or water body. Remediation shall not include repairs, as defined above, to correct an OWTS failure.

### **Sec. 873.722 Licensing and instruction requirements for septic system contractors and septage collectors.**

[Added 7-19-2001, eff. 7-19-2001; amended by L.L. No. 13-2007, § 8; 6-19-2008]

Notwithstanding any other provision of this chapter to the contrary:

## Appendix

### A. (1)

Beginning on April 1, 2002, each and every person who provides or offers to provide services as a septic system contractor in Westchester County shall have obtained a license from the Commissioner in accordance with the requirements of this section. No person may provide or offer to provide services as a septic system contractor after April 1, 2002, without first having obtained such a license, except as may be authorized by the Commissioner pursuant to section 873.722 C.(12), below.

### (2)

Beginning on the effective date of the Local Law entitled, "A Local Law amending the Laws of Westchester County with respect to the licensing of persons engaged in evacuating, removing, collecting or transporting septage as septage collectors," each and every person who provides or offers to provide services as a septage collector in Westchester County shall have obtained a license from the Commissioner in accordance with the requirements of this section. No person may provide or offer to provide services as a septage collector after such effective date without first having obtained such a license, except as may be authorized by the Commissioner pursuant to section 873.722 C.(12), below.

### B.

Application and instruction requirements.

### (1)

Any individual who seeks to operate as either a septic system contractor or septage collector in Westchester County shall submit an application to the Commissioner on a form to be provided by the Commissioner, along with the initial nonrefundable application fee in the amount set forth below.

### (2)

#### (a)

Any individual who seeks to operate as a septic system contractor in Westchester County engaged in the construction, installation, repair and/or rehabilitation or servicing of separate sewage disposal systems shall be required to participate in a licensing instruction program developed and implemented by the department, or its duly authorized designee, which program shall include both course work in the areas of septic system construction, installation and operation and standard examinations relating to the matters covered by such course work.

#### (b)

Any individual who seeks to operate as a septage collector in Westchester County engaged in services involving the evacuation, removal, collection or transportation of septage shall be required to participate in a licensing instruction program developed and implemented by the department, or its duly authorized designee, which program shall include course work in the safe, sanitary and efficient delivery of such services and standard examinations relating to the matters covered by such course work.

### (3)

As part of the licensing instruction programs set forth in subsection B.(2), above, the department shall hold courses and examinations periodically, at such time and in such locations as the Commissioner shall specify. Any person who has completed the application form and submitted the required application fee and licensing instruction program fee for either or both of the licensing instruction programs set forth in

## Appendix

subsection B.(2), above, shall be eligible to participate in the next regularly scheduled license instruction program. Pursuant to the licensing instruction programs set forth in subsection B.(2), above, the department shall conduct such examinations, which may take the form of written, oral and/or practical examinations, as it deems necessary to test the applicants' knowledge of SSDS construction, installation, repair, and rehabilitation and/or evacuation, removal, collection or transportation of septage.

### C.

#### Licensing.

##### (1)

Upon the successful completion of the applicable licensing instruction program, including successful completion of the applicable examination to the satisfaction of the Commissioner, and the payment of the biennial licensing fee, the Commissioner shall issue a license certificate to the individual, which license shall indicate that the holder thereof is entitled to engage in the work or occupation of a licensed septic system contractor or licensed septage collector. All licenses shall expire two years from the date of issuance.

##### (2)

The licensee shall carry the license certificate on his person at all times while engaging in or performing the work for which the license has been issued in Westchester County. Such license shall be shown to any properly interested person, including customers, upon request. The licensee shall also conspicuously post a sign, at the primary public street entrance to the work site, which sign shall contain the licensee's Department of Health license number in a form to be specified by the Commissioner.

##### (3)

Licenses issued by the department pursuant to this section shall be utilized only by the person named on such license and shall be non-transferable. The license of one individual shall not be deemed to satisfy the separate licensing requirements applicable to employees, contractors and/or subcontractors of such individual where such employees, contractors and/or subcontractors are performing services which require a license pursuant to this section.

##### (4)

All such construction; installation; repair and/or rehabilitation; and servicing of OWTS in Westchester County shall be subject to the direct supervision of the licensed septic system contractor, and all such evacuation, removal, collection or transportation of septage shall be subject to the direct supervision of the licensed septage collector. For purposes of this subsection, "direct supervision" shall mean that the licensed individual shall be responsible for all activities on site, and shall, during the course of providing such services, be physically present at the work site.

##### (5)

Exceptions to licensing requirements. The provisions of this section shall not apply to individuals who are employees of any federal or state agencies, when such individuals are acting within the scope of that employment.



## Appendix

### (6)

Fees. The non-refundable fees which shall be paid to the department in connection with the application and licensing procedures outlined herein shall be:

#### a.

Original application fee: \$200.00 per septic system contractor applicant; \$100 per septage collector applicant.

#### b.

Septic system contractor license instruction program fee (including the cost of examination): \$100.00 per applicant for initial septic system contractor exam; \$25.00 for reissuance of septic system contractor examinations and/or for septic system contractor renewal examinations.

#### c.

Biennial license/renewal fee: \$200.00 per licensed septic system contractor; \$100.00 per licensed septage collector.

### (7)

The Commissioner may require the participation of licensed septic system contractors and/or licensed septage collectors at department-sponsored informational seminars at any time during any licensing term in order to ensure that all licensed septic system contractors and/or licensed septage collectors are informed of developing issues, technologies, and laws which may impact the performance of services by the licensed septic system contractor and/or licensed septage collector in Westchester County.

### (8)

All licensed septic system contractors and licensed septage collectors shall comply, at their own expense, with the provisions of all applicable federal, state and municipal laws, rules, regulations or requirements including, but not limited to, all federal, state and municipal laws, rules, regulations or requirements applicable to the licensee as an employer of labor or otherwise. All licensees shall be required to comply with all rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

### (9)

Renewal. No person shall perform the services of a licensed septic system contractor or licensed septage collector after the expiration of the license issued by the department. The licensed septic system contractor or licensed septage collector may seek renewal of their licenses by submitting a renewal application, on the form provided by the department, to the department not less than 30 days in advance of the expiration date of the licensed septic system contractor's or licensed septage collector's existing license. Prior to the approval of the renewal license, the licensed septic system contractor or licensed septage collector shall be required to submit a completed application and pay the appropriate biennial renewal fee, as referenced above, prior to the department's issuance of the renewal license, and may be required to successfully complete a renewal examination. The Commissioner may, in his discretion, require any licensee who fails to submit the renewal application within the time frames specified above to submit an application and fees, in accordance with this section, as though the licensee had not previously been licensed by the Commissioner.

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(10)

The Commissioner may refuse to issue or renew a license in the event that an individual fails to satisfactorily complete the licensing instruction program, examination, or renewal examination, or fails to comply with the licensing standards outlined herein.

(11)

Upon the issuance of a license by the Commissioner, the names and contact information for each licensed septic system contractor and licensed septage collector shall be placed on a public registry to be maintained by the Commissioner and made available for consumer review and reference.

(12)

The Commissioner, in his discretion, may issue a temporary license to a prospective licensed septic system contractor or prospective licensed septage collector in the case of an emergency where, in the opinion of the Commissioner, the condition of a OWTS poses a threat to public health and safety, provided however, that the duration of such temporary license shall not exceed six months. The Commissioner may, in his discretion, refuse to issue a temporary license or suspend any existing temporary license where the Commissioner deems the qualifications or work practices of the holder of the temporary license to be unsatisfactory, or where the threat to public health and safety has been eliminated to the satisfaction of the commissioner. The issuance of such a temporary license may be utilized by its holder only with respect to the emergency identified and which formed the basis for issuance of the temporary license, and shall not entitle the holder thereof to provide services as a licensed septic system contractor or licensed septage collector in Westchester County generally. The holder of such a temporary license shall be required to pay pro rata fees, in accordance with the fees established in subsection C.(6), above, on a month-to-month basis for the term of such temporary license.

### **Sec. 873.724 Reporting requirements for licensed septic system contractors and licensed septage collectors.**

[Added 7-19-2001, eff. 7-19-2001; amended by L.L. No. 13-2007, § 10; 6-19-2008]

Notwithstanding any other provision of this chapter to the contrary:

A.

Each and every licensed septic system contractor and licensed septage collector shall be required to complete a septic system data form provided by or otherwise approved by the commissioner upon the completion of any on-site services performed with respect to any OWTS or evacuation, removal, collection or transportation of septage in Westchester County, which form shall specify the service provided to the property owner and any other information which the commissioner, in his discretion, may deem appropriate. Each and every licensed septic system contractor and licensed septage collector shall be required to issue a copy of the septic system data form to both the commissioner and to the owner of the facility which is served by such OWTS within thirty business days of the service date. Submission of the septic system data form to the Department of Environmental Facilities at the time of discharge into the County trunk sewer system shall constitute submission to the commissioner under this section. Such septic system data forms shall include language which informs the property owner that all licensed septic system contractors and licensed septage collectors shall be required to maintain their Westchester County license; shall be required to display such license and license number to the property owner upon request; and shall specify the contact information for the department.

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### B.

In the event that any service provided by the licensed septic system contractor or licensed septage collector indicates that the OWTS presents a significant threat to public health, safety and/or the environment, the licensed septic system contractor or licensed septage collector shall state the existence and nature of such emergency clearly on the face of such septic system data form, and shall issue a copy of the septic system data form to both the commissioner and to the owner of the facility which is served by the OWTS within three business days of the service date.

### C.

To the extent that the condition of any given OWTS is such that the licensed septic system contractor cannot bring the OWTS into compliance with all applicable federal, state and municipal laws, rules, regulations or requirements, the licensed septic system contractor shall advise the consumer of such condition in advance of providing any services to the consumer with respect to such OWTS, and shall note on the face of any septic system data form prepared with respect to such OWTS both the existence of such condition and the subsequent efforts, if any, made by the licensed septic system contractor to bring the OWTS into conformance with such laws, rules and regulations, and the consumer's assent to same.

### D.

Licensed septic system contractors and licensed septage collectors shall be required to maintain a copy of each and every septic system data form for a period of not less than six years from the date of service.

### E.

#### (i)

The commissioner shall maintain a database of the records for each OWTS, which records are to be provided by all licensed septic system contractors, and shall include, but not be limited to, the following information, where applicable:

#### (1)

Residence address;

#### (2)

Number of bedrooms;

#### (3)

Number of bathrooms;

#### (4)

Square footage of residence/commercial structure;

#### (5)

Type of sewage disposal system;

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(6)

Grade/slope of disposal area;

(7)

Percolation rate at disposal area;

(8)

Distance from well, if applicable;

(9)

Well yield (gallons per minute), if applicable;

(10)

Depth of well (feet), and physical characteristics of well, if applicable;

(11)

Date of system installation;

(12)

Name of licensed septic system contractor;

(13)

A listing of current and previous owners; and

(14)

Maintenance history.

(ii)

The commissioner shall maintain a database of the records for each OWTS, which records are to be provided by all licensed septage collectors, and shall include, but not be limited to, the following information, where applicable:

(1)

Residence address;

(2)

Date of evacuation, removal or collection of septage for transport;

(3)

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Name of licensed septage collector;

(4)

Total volume of septage evacuated, collected or removed for transport;

(5)

Name of septage receiving facility following transport;

(6)

Number of septic tanks evacuated;

(7)

Approximate volume of each septic tank evacuated;

(8)

Number of cesspools, seepage pits, and/or other system components evacuated; and

(9)

Approximate volume of each cesspool, seepage pit, and/or other system component evacuated.

F.

The information contained in such database shall be made available for inspection by members of the public at reasonable times during the regular business hours of the department.

G.

The department shall prepare and provide a report semi-annually to the Board of Legislators on the data collected pursuant to this section with appropriate comment.

### **Sec. 873.726 Approval required for onsite wastewater treatment systems.**

[Added 7-19-2001, eff. 7-19-2001; amended 6-19-2008]

A.

No person shall undertake to construct any new building or structure requiring an onsite wastewater treatment system or to construct such system to serve any existing building or structure without first having obtained the written approval for such system issued pursuant to the Public Health Law or by the commissioner.

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### B.

No person shall undertake to construct any major expansion of an existing building or structure requiring an onsite wastewater treatment system or to construct, install, replace, expand, remediate, alter, and/or modify such system without first having obtained the written approval for such system issued pursuant to the Public Health Law or by the commissioner.

### C.

Such onsite wastewater treatment system to serve any major expansion of an existing building or structure together with the existing building and structure shall comply with current standards, rules or regulations duly promulgated by the commissioner and with the terms or conditions of approval issued therefore or approved amendments thereto.

### D.

No person shall undertake to construct, install, replace, expand, remediate, alter, and/or modify an onsite wastewater treatment system without first having obtained the written approval from the commissioner. This paragraph shall not apply to repairs of onsite wastewater treatment system components.

### E.

Any change of use at a commercial or institutional building or structure, or expanded use at a commercial or institutional building or structure served by an onsite wastewater treatment system, shall require the prior written approval of the commissioner deeming the existing onsite wastewater treatment system to be adequate.

### F.

Such onsite wastewater treatment system serving any change of use at a commercial or institutional building or structure resulting in an increase in wastewater flows exceeding the capacity of the onsite wastewater treatment system as determined by the Department of Health, or to serve an expanded use at a commercial or institutional building or structure resulting in an increase in wastewater flows exceeding the capacity of the onsite wastewater treatment system as determined by the Department of Health, shall comply with current standards, rules or regulations duly promulgated by the commissioner and with the terms or conditions of approval issued therefore or approved amendments thereto.

### G.

No such system for the subsurface disposal of sewage shall hereafter be approved on any building site not having in existence on the date of approval the required usable area. Such area thereafter shall be so isolated and protected as to effectively prevent removal, displacement, compaction or other adverse physical change in the characteristics of the soil or in the drainage of the area designated for such usage.

### H.

Such onsite wastewater treatment system shall be constructed, installed, replaced, expanded, remediated, altered, and/or modified in accordance with the standards, rules or regulations duly promulgated by the commissioner and with the terms or conditions of the approval issued therefor or approved amendments thereto.

## Appendix

### I.

Whenever inspection indicates the construction to be otherwise than in accordance with the Public Health Law or this Code or the conditions of any permit or written approval issued pursuant thereto or the standards applicable to said construction, all work shall cease upon written notice served upon any person connected with or working in or about the said system or any part thereof, or by registered mail to the last recorded address of the person named in such permit or approval. Thereafter no further work shall be done other than to remedy such violation and to proceed with work in compliance with the aforementioned requirements, provided the inspector determines that the work may properly proceed. Otherwise, the written approval shall terminate and no further work shall be undertaken until a new written approval shall have been obtained.

Whenever considered necessary by the inspector, any covered work shall be promptly uncovered for inspection at any time before issuance of the certificate of completion. Any approval shall be subject to modification or change as may be directed in writing, by a representative of the commissioner due to conditions found during construction, provided that such inspector may at his discretion require all or part of the construction to cease until approval of the necessary modification or change has been obtained in the same manner as the original approval.

### J.

No new OWTS shall be placed in operation nor shall any new building requiring such system be occupied until a certificate shall have been issued indicating that such system has been constructed in compliance with the terms of the approval issued and the requirements of this code. Such certificate of completion may be issued by the commissioner or by any building or plumbing inspector of a local municipality within the Health District duly authorized by the commissioner so to do. Such certificate of completion may be issued upon receipt of written certification by a professional engineer, registered architect or land surveyor, licensed to practice in the State of New York, stating that the system has been installed under his supervision as shown on plans submitted with such certification in accordance with the terms of the approval and the requirements of this code.

### K.

In the event of the failure of any onsite wastewater treatment system installed under the approval of the commissioner or otherwise, the owner of the building or structure served thereby shall forthwith cause an investigation to be made of the reason for such failure and shall place the system in a proper and sanitary operating condition by any legal means within such period of time as may be determined by the commissioner to be reasonable to perform such work. During such investigation any portion of the system may be left open for inspection provided it is protected so as to effectively prevent direct contact with the sewage contents. The findings of the commissioner shall be presumptive evidence of the cause of failure. In the event the owner is not subject to legal process, the occupant of the premises shall be responsible for the maintenance of the onsite wastewater treatment system in a satisfactory and sanitary condition during such occupancy.

### L.

The issuance of any approval or certification pursuant to the provisions of this code shall not be construed as a guaranty by the commissioner or the Westchester County Department of Health or any employee or agent that the system has been properly constructed or will function satisfactorily, nor shall it in any way restrict the actions or powers of the commissioner in the enforcement of any law or regulation.

MS-4 Septic Requirement  
Shared Services Approach Narrative Final Draft  
(to be included with SPEDES Permit reporting)

**I. Intent/Purpose:**

In order to implement the septic inspection compliance provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation SPEDES General Permit GP-0-08-002, the Town of \_\_\_\_\_ is complying with the protocols of the shared services agreement for MS-4 Septic compliance as negotiated and agreed to by the Westchester County Board of Legislators Septic Subcommittee and the New York State Department of Environmental Conservation (see attached confirmation).

**II. Details:**

1. The Permit requires that each municipality in the East of Hudson Watershed “Develop, implement and enforce a program to ensure that onsite wastewater treatment (septic) systems are inspected and, where necessary, maintained or rehabilitated at a minimum of once every five years (?). Program development shall include the establishment of the necessary legal authority to implement the program.”
2. The New York State Department of Environmental Conservation has agreed that *Inspection* shall mean the evacuation and removal of septage from a Separate Sewage Disposal System/On-site Wastewater Treatment System and subsequent required reporting by a Septage Collector that is licensed by the Westchester County Department of Health pursuant to 873.722, 873.724 and 873.726 of the Westchester County Sanitary Code (see Local Law \_\_\_\_\_ Appendix for complete codes).
3. The County of Westchester has agreed to create an online Septic Database of all septic parcels in our municipality that will detail the reporting of all *Inspections* as defined in Paragraph 2. This database will be made available to our municipality at no cost to our municipality in order to facilitate compliance and compliance reporting of the permit requirements.
4. The Town of \_\_\_\_\_ has passed Local Law \_\_\_\_\_ on (date) \_\_\_\_\_ to create the necessary legal authority to ensure that our municipality will be in compliance with the Inspection requirements of the Permit (see attached). Reporting on compliance will be made in accordance with the requirements of the permit.

Attachments: Correspondence from K. Kosinski, NYS DEC  
Local Law \_\_\_\_\_  
Appendix to Local Law \_\_\_\_\_



From: Kenneth Kosinski [mailto:kakosins@gw.dec.state.ny.us]  
Sent: Wednesday, July 22, 2009 9:44 AM  
To: Robert Capowski; Harckham, Peter  
Cc: William (DOS) Harding  
Subject: Re: Septic Model Law #7

Peter -

DEC has reviewed the Septic Model Law #7 and find it acceptable.

I understand that ultimately the model law will be provided to the municipalities for adoption and that the individual municipalities may make modifications. That being the case, the individual municipalities should send their draft septic model law to DEC to review to ensure that it matches up with model and any changes are acceptable.

As always, please do not hesitate to contact me with any questions or if we can be of further assistance.

Kenneth Kosinski, P.E.  
Section Chief  
New York City Watershed Section  
Division of Water  
Office: (518) 402-8110  
FAX: (518) 402-9029  
kakosins@gw.dec.state.ny.us

Hey Peter \*

I wanted to follow up on the last septic committee meeting at which we discussed the local ordinance and the language for a possible variance/waiver. I have had a chance to mull it over, and my thoughts are as follows. Please note that I am very open to further discussions on this issue to address concerns and thoughts of others on the septic committee as well as the municipalities.

The draft language in the variance/waiver indicates that waivers may be granted in the case of demonstrated undue hardship or the production of other compelling evidence\*. I believe that this case by case evaluation will result in extensive effort by the Town\*s as they consider variance applications and they will be dealing with a multitude of individuals with varying circumstances. To take this burden off the municipalities, and to ensure a more consistent approach, I would eliminate the \*undue hardship/compelling evidence\* language.

The program in Westchester requires a pump out of a homeowner septic tank once every 5 years which triggers the hauler to come in and complete the pump out and inspect the tank and leach field area for any sign of problem and send in a report. A potentially identified problem triggers follow up by the County DOH sanitarian. Cost is approximately \$300 every 5 years.

At this time, I would say that a variance/waiver from this requirement is not something that should be incorporated into the local law. I do

not see that there will be that many circumstances that would warrant a variance. If there are certain isolated specific circumstances that may arise, I do not think we want to list them out and manage by exception.

If something did arise the locality could use reasonable discretion rather than try and list out what situation may qualify for a waiver. For example, if there was a situation where there was a property that was unoccupied for 5 years it would be reasonable not to require a pump out.

You have mentioned a situation that has come up in discussions whereas someone has completed a pumpout/inspection within X days of the local law being implemented. To me, this person should again have to pump out their system within another 5 years. It will be a little tricky initially implementing the requirement in the first 5 year cycle with a consideration for varying dates of the last pumpout.

Other situations that were discussed included giving consideration to properties where public sewers are being actively constructed and will be made available in less than 6 months and properties where a new septic system is being installed. Again, these unique circumstances will arise infrequently, and it may be difficult to try and list these all out in the local law.

As I initially mentioned, I am willing to have further discussions on this issue with the committee. It is very helpful to have discussions with the committee to fully understand the situations that may arise that need to be dealt with. That being said, please contact me if you would like to discuss in more detail. thanks

Kenneth Kosinski, P.E.  
Section Chief  
New York City Watershed Section  
Division of Water  
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>>> "Harckham, Peter" <Harckham@westchesterlegislators.com> 5/22/2009  
2:01 PM >>>  
Thanks. Have a great weekend.

-----Original Message-----

From: Kenneth Kosinski [<mailto:kakosins@gw.dec.state.ny.us>]  
Sent: Fri 5/22/2009 11:22 AM  
To: Harckham, Peter  
Cc: Robert Capowski; Wild, Wendy  
Subject: Re: Septic

Peter -

thanks for the note. I will get you something early next week so you have it in time for the meeting. We can discuss further as well.

Kenneth Kosinski, P.E.  
Section Chief

New York City Watershed Section  
Division of Water  
Office: (518) 402-8110  
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>>> "Harckham, Peter" <Harckham@westchesterlegislators.com> 5/22/2009  
11:10 AM >>>

Hi Ken,

I hope all is well. Thanks again for coming down for our last Septic Subcommittee meeting.

As we discussed, you were going to mull over possible exemption scenarios (or not) for the model local law. {the one that keeps being mentioned is that if someone has been pumped within x number of days prior to implementation of the local law} Our next Subcommittee meeting is this coming Thursday and the main topic of discussion is the model local law. If at all possible, it would be great to receive your comments on this subject by Tuesday or Wednesday so that I can incorporate your thoughts into the draft law.

Thanks you very much!

All the best,

Pete

Hon. Peter B. Harckham  
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