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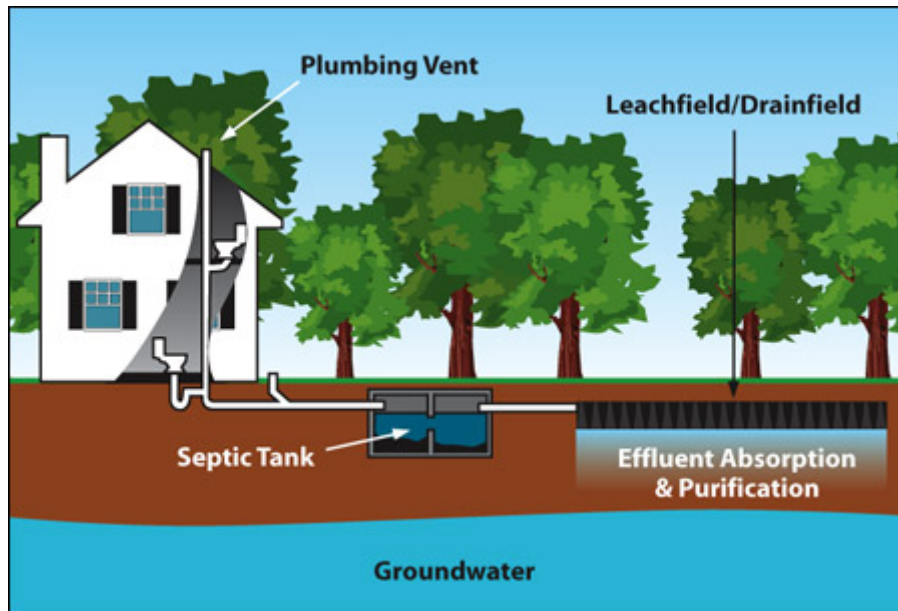
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Town of Cortlandt Septic System Inspection And Rehabilitation Reimbursement Program



DRAFT

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Chapter 1 -Septic Program Overview

1.1 Definitions

Nothing herein shall be construed to conflict with applicable laws or New York City Department of Environmental Protection (NYC) 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. “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).
7. “Eligible Project” means a project eligible for reimbursement for Repair, Remediation, or Connection of an Eligible System as determined by the NYCDEP.
8. “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 Croton Watershed. Existing design sewage flow will be determined using the values outlined in the WCDOH (Westchester County Department of Health) 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 were pumped and/or improved and/or upgraded prior to May 1, 2011 are not eligible for reimbursement funds under this Program.
9. “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.
10. "Final Design Approval" means NYCDEP and/or WCDH written final approval and acceptance of the design of the remediation of a subsurface sewage treatment system pursuant to the NYC Watershed Regulations and the Delegation Agreement with the WCDH.
11. “Leach Field” – an absorption area, typically consisting of a field or trench formation.
12. “NOV” – Notice of Violation from NYCDEP or WCDH to the owner of a septic system, which states that the septic system is violating Watershed Regulations or WCDH regulations.

13. "NYC" – New York City
14. "NYCDEP" – New York City Department of Environmental Protection.
15. "NYCRR" – Official Compilation of Codes, Rules and Regulations of the State of New York.
16. "NYSDOH" – New York State Department of Health.
17. "Period of Eligibility" – is from May 1, 2011 to May 1, 2014 during which costs associated with a Rehabilitation may be eligible for reimbursement under the Septic Program. The Period of Eligibility will begin either: 1) the date a NOV is issued by the WCDH or NYCDEP, 2) the date a Property Owner provides notification 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, the Town of Cortlandt 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 May 1, 2011 are not eligible for reimbursement funds under the Septic Program.
18. "Pre-Approved Bid Form" means a form completed by the property owner or their representative and submitted to TOWN OF CORTLANDT for the purpose of developing a preliminary reimbursement estimate prior to construction of a Repair or Remediation.
19. "Primary Residence" – the main residence occupied by the property owner, based on driver's license address, voter registration, tax return information or other proof.
20. "Program Agreement" – shall mean the contract agreement entered into between the Property Owner and Town of Cortlandt. Only those Property Owners that enter into a Program Agreement with the Town of Cortlandt will be eligible for Septic Program funds.
21. "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.
22. "Qualified Inspector" – shall mean an employee of NYCDEP or WCDH.
23. "Rehabilitation" – shall collectively mean a Repair, Remediation, or Connection as defined in this section and as they may apply to each system.
24. "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 WCDH review and approval pursuant to Section 18-38(a)(9)(i) of the NYC Watershed Regulations.
25. "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 WCDH review and approval pursuant to Section 18-38(a)(9)(i) of the NYC Watershed Regulations. A repair does not include routine maintenance such as pump-out of a septic tank.
26. "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.

27. “Reservoir Stem” – any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir (Reference NYC Watershed Regulations).
28. “Residence” – any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
29. “Sanitary Privy” – pit, watertight vault or removable watertight receptacle for direct disposal of non-waterborne human waste (Reference 75-A handbook).
30. “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)).
31. “Septic Program” – the Town of Cortlandt Septic System Inspection and Rehabilitation Reimbursement Program.
32. “Septic System” – a system for on-site treatment and disposal of human waste, including both waterborne and non-waterborne systems.
33. “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).
34. “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 NYC Watershed Regulations).
35. “Water Supply” – the New York City public water supply system, including all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto (Reference NYC Watershed Regulations).
36. “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 NYC Watershed Regulations).
37. “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.
38. “WCDH” – Westchester County Department of Health.
39. “WCDH Rules and Regulations” – means the WCDH 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.
40. “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 NYC Watershed Regulations).

1.2 Septic Program Description

Through the Town of Cortlandt Septic System Inspection and Rehabilitation Reimbursement Program (the “Septic Program”), the Town of Cortlandt will provide funding to reimburse a portion of the pumping and inspection costs and costs to Repair or Remediate eligible failing septic systems. Ongoing operation and maintenance of the septic system will remain the obligation of the Property Owner.

The Town of Cortlandt 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 to the eligible property owners.

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. The applications will be evaluated on a first come first served basis and considered until the funding has been exhausted for approved reimbursement projects.

This program has a total maximum match not to exceed \$295,000.00.

1.3 Priority Areas

Septic Program funds will be dedicated for Rehabilitation of septic systems within the New York City Watershed in the Town of Cortlandt. The priority criteria are based on public health protection and water quality considerations.

CHAPTER 2 -SEPTIC PROGRAM RULES

2.1 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. The Town of Cortlandt will be solely responsible for determining if a site is eligible for reimbursement under the Septic Program.

Upon being contacted by a Property Owner, the Town of Cortlandt or its Authorized Agent will confirm that the property is located within the NYC Watershed. The Town of Cortlandt 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 licensed design consultant and licensed construction contractor/collector; and
5. All information collected by the Town of Cortlandt is subject to the Freedom of Information Act.

The Property Owner is responsible for the initial 100% of the cost of the pump out and on-site evaluation.

Reimbursement for the cost of the pump out and on-site evaluation will be 50% of the cost up to a maximum amount of \$200.00. 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 WCDH, 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 the Town of Cortlandt or its Authorized Agent for review. Based on the information in the Septic System Data Form, the WCDH, the NYCDEP and the Town of Cortlandt may subsequently conduct additional site inspections.

If the pump out and evaluation, and subsequent WCDH, NYCDEP and/or Town of Cortlandt inspections identifies failure conditions the WCDH 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 may be reimbursable as part of the entire project.

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.

2.2 Septic Repair and/or Remediation Estimates

Reimbursement for Repair or Remediation is based on contractor cost proposals from pre-approved Westchester County Licensed septic contractors. The cost proposals shall be a detailed cost estimate and shall include all information required by the WCDH, the NYCDEP and the New York State Department of Environmental Conservation (NYCDEC) in order for the repair to be performed. This includes the appropriate permit(s) from all agencies.

Engineering costs are also eligible for reimbursement and are limited to only what is necessary to produce an approved plan. 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.

2.3 Property Owner Portion of Cost

The Town of Cortlandt or its Authorized Agent will pay a portion of the eligible costs of the initial pump out and inspection for Primary Residents. For the majority of Eligible Systems, this Septic Program will provide a reimbursement of up to \$200 per resident.

The Town of Cortlandt 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 Repair/Rehabilitation based on the the final construction costs to a maximum of \$2,000.00, less any payments previously approved for the pump out and evaluation work.

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, The Town of Cortlandt or its Authorized Agent will determine the final reimbursement amount using the original cost proposal. Any portion in excess of the amount identified in the original cost proposal may qualify for the 50% reimbursement but may not exceed the maximum of \$2,000.00. Any and all additional costs in excess of the \$2,000.00 match shall be the responsibility of the property owner.

Total reimbursement under the Septic Program is limited to \$2,0000. The Property Owner is responsible for all costs above this maximum reimbursement amount.

2.4 Eligible Costs

Before any payments are made under the Septic Program, The Town of Cortlandt 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. The Town of Cortlandt 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 septic tank pump out and inspection the property owner shall be reimbursed up to \$200 per dwelling and shall be accompanied by a septic haulers report, WCDH format, and a paid receipt.

For all repairs and remediation's only items included on designs, when required, approved by WCDH, the NYCDEP and the Town of Cortlandt will be eligible for reimbursement. All components will be reimbursed as per the original cost proposals.

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

The Town of Cortlandt 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. Both design and construction of any Remediation must have been approved by WCDH and the Town of Cortlandt.
 - c. The Town of Cortlandt or its Authorized Agent may deem ineligible costs incurred for oversized systems or work that the Town of Cortlandt determines to be outside the requirements of 75-A, WCDH Rules and Regulations, Chapter 18-38 of the NYC Watershed Regulations, or work not otherwise required as a condition of WCDH and the Town of Cortlandt approval and superfluous to the achievement of adequate sewage treatment.
2. The Town of Cortlandt or its Authorized Agent must determine the cost of work performed to be reasonable.
3. 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 WCDH Rules and Regulations will be eligible.

2.5 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 established by the Program Agreement;
2. Remediation completed without design approval from WCDH and the Town of Cortlandt;
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 The Town of Cortlandt or its Authorized Agent;
11. Change order work not approved in advance by the Town of Cortlandt or its Authorized Agent;
12. Operation and maintenance of a septic system; and

2.6 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 Town of Cortlandt, due to unique circumstances. Unique circumstances will be evaluated on a case by case basis by The Town of Cortlandt 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.

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

2.7 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 May 1, 2011 for their septic system or whose system has been determined to be in failure by a Qualified Inspector may be eligible. Property Owners must contact the Town of Cortlandt or its Authorized Agent to determine eligibility for Septic Program funding and to receive an information packet.
2. 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 Town of Cortlandt shall advise the Property Owner as to the determination of Repair, Remediation.
4. The Property Owner is responsible to obtain any necessary permits from the WCDH, The NYCDEP and the Town of Cortlandt 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 pursuant to Section 873.722 of the Westchester County Sanitary Code.
6. For an Eligible System:
 - a. Remediation
 - i. The Property Owner shall secure a contractor/consultant to prepare and submit engineering designs, including soil test and any other required test results, to The WCDH and/or NYCDEP for review and approval.
 - ii. The Property Owner is responsible to obtain Final Design Approval from the WCDH prior to beginning any work.
 - iii. Following approval by WCDH, the Property Owner shall obtain a quote from a Licensed septic contractor. It is strongly recommended that the Property Owner submit the quote to the Town of Cortlandt or its Authorized Agent for a preliminary reimbursement estimate and review.
 - iv. After construction is complete for a Remediation and construction approval has been issued by WCDH the Property Owner may submit an application for reimbursement to the Town of Cortlandt'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 the Town of Cortlandt or its Authorized Agent to determine which elements of the Repair are eligible for reimbursement.
 - ii. It is recommended that the Property Owner also obtain a written quote prior to construction, and submit the quote to the Town of Cortlandt or its Authorized Agent for a preliminary eligibility determination and reimbursement estimate.
 - iii. For Repairs not requiring prior regulatory review and approval by WCDH or the Town of Cortlandt pursuant to the WCDH Rules and Regulations or the NYC Watershed Regulations, the Property Owner or its construction contractor must submit to the Town of Cortlandt 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.
7. To be eligible for reimbursement for any Rehabilitation, the Property Owner must provide the Town of Cortlandt with the opportunity to perform an open works inspection of construction. Notification by the Property Owner to the Town of Cortlandt 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 WCDH Rules and Regulations to provide notice to WCDH staff to perform an open works inspection. Any regulatory notifications pursuant to the WCDH Rules and Regulations are in addition to the requirements of the Septic Program and are the sole responsibility of the Property Owner.

2.8 Application for Reimbursement

To apply for reimbursement, a Property Owner shall fill out an application form supplied by the Town of Cortlandt or its Authorized Agent. The Town of Cortlandt or its Authorized Agent shall make payments according to the approved cost proposal after receipt of a completed application form with attachments, including:

1. Documentation of the date of any inspections,
2. Description of subcontractor work completed (e.g., tank pump-out, test pits),
3. Town of Cortlandt, NYCDEP and WCDH approval of design and of construction,
4. Description of work completed,
5. Contractor and Subcontractor's invoices, and
6. 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 the Town of Cortlandt or WCDH and receipt of the as-built drawings from the Property Owner's engineer, or in the case of Repair, submission of the WCDH 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 the Town of Cortlandt or its Authorized Agent.

The Town of Cortlandt may in unique or special circumstances, such as work completed after May 1, 2011 but prior to the adoption of this program, shall accept applications for reimbursement that are not in conformance with the procedures outlined in Sections 2.3 through 2.8 of this Chapter. The decision to accept, approve, or deny such reimbursement requests will be at the sole discretion of the Town of Cortlandt 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 the Town of Cortlandt reserves the right to limit the ultimate reimbursement in order to avoid excessive charges. The Town of Cortlandt also reserves the right, where required, to request documentation or justification in addition to those items listed above.

2.9 Review of Applications

The Town of Cortlandt's Authorized Agent shall be authorized to approve, modify or deny the reimbursement request based on the submitted documentation.

2.10 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 the Town of Cortlandt. The Property Owner shall submit such request for appeal in writing to the Town of Cortlandt, by certified mail return receipt requested. Appeals may be mailed to:

The Town of Cortlandt
Department of Technical Services
1 Heady Street
Cortlandt Manor, NY 10567

In the request for appeal, the Property Owner shall identify the reason for the appeal, and shall include a completed appeal form. The Town of Cortlandt shall act upon each written request no later than thirty (30) days after receipt of the completed written request for appeal.

The Town of Cortlandt 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 there under.

2.11 Method of Payment

The Town of Cortlandt'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 first class mail to the Primary Residence. The Town of Cortlandt reserves the right to extend this timeline in cases where additional documentation or justification is required by the Town of Cortlandt 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, sets forth guidelines for site analysis to identify the needed construction.

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

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 WCDH 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 and/or 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 Croton 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 must be 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 staff at the Town of Cortlandt and WCDH.

- 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.
 - i. Install watertight extension collars to bring ports within 12" depth from surface, or
 - ii. 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. leached 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).
 - i. Evaluate site and site soils.
 - ii. Design and install a new subsurface treatment system.
 - iii. 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.
 - iv. If the site will not support an absorption area, see section 4.c), below.
 - b. Septage effluent is ponded in some trenches (e.g. partial hydraulic failure).
 - i. Determine the likely cause (e.g. out-of-level D-box, plugged leach field, water overuse, surface water diversions).
 - ii. Check leach field performance with a dye test.
 - iii. Evaluate site and site soils.
 - iv. Recommend installation of water-saving fixtures or redirect surface/sump water discharge if storm water is improperly being sent to the septic system.
 - v. 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.
 - i. Consider pumping effluent to a suitable area.
 - ii. Install the BAT.

- iii. Consider joining with a neighbor's leach field, if possible. This option requires a maintenance agreement between Property Owners.
 - iv. Consider non-waterborne septic system options.
- 5. The problem is caused by poor siting of the leach field or seepage pit.
 - a. Expansion is possible: Evaluate site.
 - i. Expand absorption area as necessary.
 - b. Expansion is not possible due to site or soil constraints:
 - i. Evaluate soils.
 - ii. Design and install a replacement, if possible.
 - iii. If impossible, then see 4.c), above.
 - c. There is insufficient setback distance from watercourse, well or property line: Perform a dye test.
 - i. If dye is detected, then replace or repair the system with the BAT.
 - ii. If no dye is detected, expand the absorption area if appropriate and/or add a second septic tank in series.