

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED  
STATE RECORDS

APR 09 2010

- County
- City of Inlet
- Town
- Village

Local Law No. 1 of the year 20 08

DEPARTMENT OF STATE

A local law Onsite Wastewater Treatment  
(Insert Title)  
Changes to Chapter 129 - Section 7

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County
- City of Town of Inlet
- Town
- Village

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 08 of the (County)(City)(Town)(Village) of Inlet was duly passed by the Town Board on Dec 9 20 08, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF Oneida

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Walter H. Hesse  
Signature  
Attorney at Law  
Title

County  
City of Utica NY  
Town  
Village

Date: April 5, 2010

As used in this chapter, the following terms shall have the meanings indicated:

**ABANDONMENT**

The relinquishment of the use of an on-site wastewater treatment system with the intention of not continuing use of such system in the future. An on-site wastewater treatment system shall be presumed to be abandoned when a new wastewater system is being built to replace it.

**ABSORPTION DEVICE**

Any structure that is designed to distribute wastewater or effluent into the soil by means of a network of pipes.

**ABSORPTION FIELD**

That area to which effluent is distributed for infiltration and treatment into the soil. It includes the area of the subsurface absorption system and, if required by the design, the areas covered by fill used to grade around the system.

**ABSORPTION SYSTEM**

Any structure designed to distribute effluent into the soil and provide for its treatment. See "conventional" and "alternative" systems defined below.

A.

**CONVENTIONAL ABSORPTION SYSTEM**

— One of the following systems:

(1)

**ABSORPTION FIELD**

— A system of narrow trenches partially filled with a bed of washed gravel or crushed stone 3/4 to 1 1/2 inches in diameter (i.e., aggregate) through which a perforated distribution pipe is laid.

(2)

**GRAVELLESS ABSORPTION SYSTEM**

— Generally proprietary products, which allow septic tank effluent to infiltrate soil in the absence of installed aggregate.

(3)

**SEEPAGE PIT**

— A covered pit with an open-jointed or perforated lining through which septic tank effluent infiltrates into the surrounding soil.

(4)

**SHALLOW ABSORPTION TRENCHES**

— An absorption field with trenches installed at or no more than two feet below original ground level on sites where there is a depth of at least two feet but less than four feet of usable soil.

(5)

**ABSORPTION BEDS**

— Similar to an absorption field except the several laterals (lengths of perforated distribution pipe) are installed in a single excavation.

(6)

**FILL (A.K.A. "SITE MODIFICATION" or "AMENDED SOIL" SYSTEM)**

— System employed when the soil percolation rate is faster than one minute per inch, wherein all soil bounded by two feet from the proposed absorption trenches (i.e., horizontally and vertically) is removed and blended with fine sand or sandy loam and replaced in six-inch layers with mechanical compaction to the approximate density of the on-site soil.

B.

**ALTERNATIVE ABSORPTION SYSTEM**

— One of the following systems:

(1)

**RAISED SYSTEM**

— A conventional absorption trench system constructed in stabilized permeable fill placed above the original ground surface.

(2)

**MOUND SYSTEM**

— A soil absorption system that is elevated above the natural soil surface in suitable fill material; similar to a raised system utilizing sandy fill material without requiring a stabilization period prior to construction of the absorption bed/trenches.

(3)

**INTERMITTENT SAND FILTERS**

— A system which comprises the intermittent application of settled wastewater to a bed of granular material which is under drained to collect and discharge filtered effluent to a subsurface absorption facility (i.e., downstream absorption mound or modified shallow trench system).

(4)

**NON-WATERBORNE SYSTEMS**

— (Composers, chemicals and recirculation toilets, incinerator toilets, sanitary privies) systems designed to treat human wastes with no wet plumbing. These systems must be accompanied by systems designed to treat household wastewater (i.e., greywater) from sinks, showers, tubs and other fixtures by settling and soil absorption.

**ABSORPTION TRENCH**

A long narrow area which includes a pipe for the distribution of septic tank effluent.

**ADVANCED SEPTIC SYSTEM**

Septic system with a component to pretreat wastewater to a higher quality than a conventional septic system.

**BAFFLE**

A flow deflecting device used in septic tanks and distribution boxes to inhibit the discharge of floating solids, reduce the amount of solids that exit and reduce the exit velocity of the wastewater.

**BUILDING**

A structure wholly or partially enclosed with exterior or party walls, and a roof, affording shelter to persons, animals or property.

**BUILDING DRAIN**

That part of the lowest piping of a drainage system which receives the discharge of wastewater and conveys such discharge to the building sewer. The building drain extends to three feet outside the building wall.

**CESSPOOL**

A covered pit into which wastewater is discharged for disposal by infiltration of the liquid portion into the surrounding soil.

**CLEANOUT**

An opening providing access to wastewater collection and treatment devices (i.e., house sewer, septic tank, distribution box) which allows for the cleaning or purging of materials and obstructions.

**CODE AND ZONING ENFORCEMENT OFFICER**

A person appointed by the Town Board whose duty and authority is to administer and enforce the provisions of this chapter.

**COMBINED SEWER**

A sewer receiving both surface runoff and wastewater.

**COMBINED SOLIDS DEPTH**

The combined thickness of the scum layer and sludge layer in a septic tank.

**DESIGN AVERAGE FLOW (DAF)**

The highest expected volume of wastewater, expressed in gallons, that will pass through a wastewater treatment system in a twenty-four-hour period normally occurring during periods of greatest use.

**DISTRIBUTION BOX OR DEVICE**

A device used to uniformly distribute effluent to the distribution lines.

**DISTRIBUTION LINES**

The perforated pipe used to distribute effluent to the absorption field.

**DROP BOX**

A watertight compartment that receives septic tank effluent and distributes to two primary pipe lines of a soil absorption system, followed by a drop to the remainder of the system after those lines are full.

**EFFLUENT**

The liquid discharged from a septic tank outlet.

**EMERGENCY REPAIRS**

Repairs designed to prevent or abate an existing or imminent threat to groundwater or surface water quality or the public health, safety, or welfare, caused or about to be caused by a wastewater treatment system.

**EXISTING GRADE**

The natural topography of land prior to construction activity.

**FAILURE or SYSTEM FAILURE**

A wastewater treatment system that discharges wastewater onto the surface of the ground or into a watercourse, or that has sustained a cracked or broken tank, distribution box, leach line or pipe, or has a malfunctioning pump or other component of such system.

**FINAL GRADE**

The elevation that land will have at the conclusion of cutting, filling or other site work.

**GARBAGE**

Organic solid wastes from domestic and commercial preparation, cooking, or dispensing of food, or from the handling, storage and sale of produce.

**GRADE**

The slope of a line of pipe, trench bottom, or ground surface in reference to a horizontal surface.

**GRAVEL**

A mixture of mineral soil particles with whole individual diameter range from 1/4 inches to three inches.

**GREYWATER**

All sewage or wastewater from a building except waste from flush toilets and urinals.

**GROUNDWATER**

Subsurface water occupying a zone of saturated soil.

**HOLDING TANK**

A sealed vault or tank, usually a reinforced concrete septic tank with no outlet, into which wastewater is discharged for temporary storage.

**IMPERVIOUS MATERIAL**

Material with a percolation rate of slower than 60 minutes per inch.

INADEQUATE

**INDUSTRIAL WASTE**

Any liquid, gaseous, solid, or waste substance or a combination thereof resulting from any process or industry, manufacturing, trade or business or from development or recovery of any natural resource.

**INVERT**

The bottom most point of an open conduit or the bottom most point on the inside of a closed conduit.

**LICENSED DESIGN PROFESSIONAL**

A person licensed or registered in the State of New York and authorized by the State Education Law to design the wastewater treatment systems described.

**MAJOR REPAIR/ALTERATION**

Any replacement or reconstruction affecting the wastewater treatment system, other than the pumping of the septic tank and minor repairs as hereinafter defined.

**MEAN HIGH WATER MARK**

The average annual high water level.

**MINOR REPAIRS**

Minor repairs shall include such items as the replacement of pumps, damaged pipes (except within the absorption area), electrical repairs, replacement of septic tank covers, or septic tank baffles.

**OTHER ENGINEERED SYSTEMS**

A wastewater treatment system of a type not addressed in the Department of Health Design Handbook, designed by a design professional and construction certified by a licensed professional engineer. These systems should meet Class A national sanitary foundation certification.

**OTHER WASTE**

Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, ballast and all other discarded matter not sewage or industrial waste which may cause or might reasonably be expected to cause pollution of the waters of the state.

**PERCOLATION**

The movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.

**PERCOLATION TEST**

A standard procedure for testing the soil's ability to accept and convey water to establish the application rate. See Appendix B for proper testing procedures.

*Editor's Note: Appendix B, Soil Percolation Test Procedure, is located at the end of this chapter.*

**PERSON**

Any individual, corporation, partnership, association, trustee, municipality or other legal entity, but shall not include the state or any state agency.

#### **PREEXISTING INDIVIDUAL WASTEWATER TREATMENT SYSTEM**

Any treatment system that was lawfully in existence prior to the effective date of this chapter.

#### **PRIVY**

A building fixed to a vault or pit, equipped with seating to allow for excretion of body waste.

#### **RISER**

A cylinder typically made of concrete or fiberglass that allows easy access to a submerged manhole or inspection port.

#### **SANITARY TEE**

A pipe used in septic tanks, distribution boxes and drop manholes to reduce wastewater or effluent flow velocities and to increase solids retention in septic tanks which prevents carryover of solids to subsurface systems. (See "baffle.")

#### **SCUM LAYER**

Scum is the wastewater constituent that is lighter than water, and floats.

#### **SEASONAL HIGH GROUNDWATER TABLE**

The highest surface of a zone of saturated soil which is at least six inches thick and which persists during the average year for more than a week when the ground is free of frost.

#### **SEEPAGE PIT**

A covered pit with an open-jointed or perforated lining through which septic tank effluent infiltrates into the surrounding soil.

#### **SEPTIC TANK**

A large, watertight chamber which promotes the growth of anaerobic bacteria for the biological decomposition of sewage.

#### **SLOPE**

The ratio of the maximum vertical rise or fall of the land in 50 feet of horizontal distance, expressed as a percentage.

#### **SLUDGE LAYER**

Sludge is wastewater material heavier than water that settles to the bottom of a septic tank.

#### **SOIL MOTTLES**

Spots or blotches of different color, or shades of color, interspersed with the dominant background color. See Appendix C, Seasonal High Groundwater Determination.

*Editor's Note: Appendix C is located at the end of this chapter.*

#### **SUBDIVISION**

The division of land into two or more lots, parcels or sites.

#### **SURFACE WATER BODY**

Any lake, pond, river, permanent or intermittent stream.

#### **TOILET WASTES**

Human excreta and toilet flushing fluid.

#### **TREATMENT SYSTEM BUILDING PERMIT**

The permit required before construction of an on-site wastewater treatment system.

#### **TREATMENT SYSTEM USE CERTIFICATE**

The certificate required before any portions of an on-site sewage treatment system are backfilled or covered.

#### **USABLE SOIL**

Soil with a percolation rate between one and 60 minutes per inch.

#### **WASTEWATER**

Any water discharged through a plumbing fixture to include, but not limited to, sewage and any water or waste from a device (e.g., water softener brine) which is produced in the building or property.

#### **WASTEWATER TREATMENT SYSTEM**

A complete system of piping, tanks or other facilities for the on-site collection and treatment of wastewater, and not connected to a community or public sewer system. A wastewater treatment system is also referred to as a disposal system in SPDES regulations.

#### **WATERCOURSE**

A visible path through which surface water travels on a regular basis. Drainage areas which contain water only during and immediately following precipitation or snow melt shall not be considered a watercourse.

#### **WETLAND**

Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh which is either (a) one acre or more in size, or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size