Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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 18 2011
DEPARTMENT OF STATE

- ☐ County
- ☐ City of Barrington
- ■ Town
- ☐ Village

Local Law No. 2 **of the year 20** 11

A local law Wastewater Treatment Law
(Insert Title)

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

- ☐ County
- ☐ City of Barrington **as follows:**
- ■ Town
- ☐ Village

SEE ATTACHED

(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. 2 of 20 11 of the (County)(City)(Town)(Village) of Barrington was duly passed by the Town Board on March 23rd 20 11, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

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 w ith 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
(Elective Chief Executive Officer)*
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 1, above.

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

(Seal)

Date: 03-31-2011

(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 Ontario

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.

Signature

Title Atty for the Town

County
City of
Town
Village

Date: 4/13/11

KEUKA WATERSHED IMPROVEMENT COOPERATIVE

MODEL LOCAL WASTEWATER TREATMENT LAW

UNIFORM WASTEWATER ENFORCEMENT PROGRAM

UNIFORM WASTEWATER MANAGEMENT REGULATIONS

The following uniform regulations for wastewater management have been adopted by the eight municipalities surrounding Keuka Lake. A model code was first requested by and developed for the Jerusalem Town Board for the purposes of updating their local code. Other municipalities expressed a similar need for improved standards. The watershed inspectors and the Keuka Lake Association hereafter referred to as (KLA) formed a committee to develop and endorse a workable uniform code.

The standards were developed to ensure the protection of public health and the economics of high water quality in the watershed. Both new construction and replacement systems are addressed in the code. There is an emphasis on evaluating, improving or replacing inadequate wastewater systems. There are also provisions for inspecting septic systems once every five years and at the time of property transfer.

The regulations were developed and reviewed by numerous individuals including, but not limited to:

Ken Anderson-Urbana Town Board
Bill Crain-Jerusalem Planning Board
Charles Egresi-Pulteney Watershed Inspector
Joan Gifford-Barrington Supervisor
Dennis Hanson-Pulteney Town Board
Ron Kenville-Jerusalem Watershed Inspector
Michael Linse-Department of Health-Geneva
Bill Mahrt-Penn Yan Watershed Inspector
Phyllis Peek-Pulteney Supervisor
Mert Plaisted-Wayne Supervisor
Jack Snow-Milo Supervisor
Richard Bills-Department of Health-Hornell District
Howard Demay-Jerusalem Supervisor
Bill Garrison-Urbana Supervisor
Ken Griffen-Penn Yan Municipal Utility Board
James Howell-Wayne Watershed Inspector
Peter Landre-Keuka Lake Watershed Project
Craig McMinn-Jerusalem Town Board
Dick Para-Hammondsport Mayor
Dave Perrson-DEC-Avon
Ron Rudio-Department of Health-Geneva District
Bill Weber-Pulteney Town Board

Revision KWIC Board – 2/22/10 with reviews by several individuals including, but not limited to:

Stephen Butchko- Chairman, Town of Wayne
Bill Weber- Vice Chairman, Town of Pulteney
Daryl Jones, Town of Jerusalem
Doug Marchionda Jr., Village of Penn Yan
Terry DeBuck, Watershed Inspector Urbana
Dawn Dowdle, Town of Wayne
Fred Wright, Town of Barrington
Anne Green, Village of Hammondsport
John Socha, Town of Milo
Gordon Lanphere, Town of Urbana
Eileen Farnan, Town of Barrington
Sheryl Robbins, NYSDOH- Geneva

UNIFORM WASTEWATER MANAGEMENT REGULATIONS

I. PURPOSE

The purpose of these regulations is to preserve and protect the quality of Keuka Lake and surface and groundwater in the Municipality of Barrington. These standards are established to ensure adequate performance of wastewater treatment systems, to protect public health and to optimize the effectiveness of the systems at removing nutrients from wastewater.

II. APPLICABILITY

The provisions of these rules shall be in effect throughout the Municipality of Barrington and apply to all wastewater systems not subject to continuous licensing or regulations by the New York State Departments of Environmental Conservation hereafter referred to as (NYSDEC) or New York State Department of Health hereafter referred to as (NYSDOH).

III. VALIDITY

If any section, paragraph, subdivision or provision of this Law shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

IV. DISPOSAL OF WASTEWATER

(A) Wastewater from any new construction shall be discharged directly into public wastewater disposal systems if available and accessible within 100 feet of the property line.
(B) If there is no public wastewater disposal available, residential, commercial or institutional wastewater must be treated by a wastewater treatment system approved by a regulatory officer in the Keuka Watershed Improvement Cooperative hereafter referred to as (KWIC).

V. WATER QUALITY PROTECTION ZONES

Two zones within the Municipality shall be established for the protection of water, public health and safety. Zone 1, or the "critical water protection zone", shall include the land with onsite wastewater systems within 200 feet of a lake and watercourse. Zone 2, shall include all other land in the Municipality.

VI. RULES AND REGULATIONS FOR DISPOSAL OF HUMAN EXCRETA

(A) No untreated wastewater from a wastewater system shall be deposited or allowed to escape into any watercourse in the Municipality, or allowed to surface or be washed over the ground.
(B) No human excreta, either raw or partially decomposed, may be dipped, pumped or shoveled from a septic, aerobic, or holding tank and placed in or on the ground of the watershed without specific approval of the site by the NYSDEC
(C) Any septic tank or holding tank that shows evidence of leaking must be replaced or repaired within the time period specified in Section XIII.

VII. STANDARDS FOR DESIGN OF WASTEWATER SYSTEMS FOR NEW CONSTRUCTION

(A) Wastewater systems for new household construction shall be designed in accordance with current NYSDOH Administrative Codes, Rules and Regulations Appendix 75-A. The definitions contained in Appendix 75-A shall also apply to these regulations.
(B) Wastewater systems for new commercial or institutional construction may be designed according to the current NYSDEC guidelines ("Standards for Waste Treatment Works--Institutional and Commercial Sewage Facilities" or current reference).

VIII. STANDARDS FOR DESIGN OF REPLACEMENT WASTEWATER SYSTEMS

[(A) Construction of replacement wastewater systems shall be designed by a New York State hereafter referred to (NYS) licensed design professional and must be installed under the direction of the regulatory officer or a NYS licensed design professional. Replacement systems shall be designed and installed according to the provisions of Appendix 75-A, if possible.
(B) On limiting site conditions, the regulatory officer shall utilize up-to-date practical technology and require the system be designed and installed under the direction of a NYS licensed design professional. A holding tank may be constructed under the supervision of the regulatory officer as described in Section XV.]
(C) Households served by replacement systems may be required to have NYSDEC certified water conservation fixtures prior to the issuance of a "Permit to Operate".
(D) If the site is only occasionally inhabited, such as a hunting camp, and has no water under pressure or wastewater discharge, the regulatory officer may allow a sanitary privy, other non-waterborne systems as describe in Appendix 75-A, design a system, or request that an engineered system be designed when site conditions are limiting.
(E) Wastewater systems for replacement of commercial or institutional construction shall be designed according to the NYSDEC guidelines in "Standards for Waste Treatment Works--Institutional and Commercial Sewage Facilities" or current reference.

IX. WASTEWATER SYSTEM INSPECTIONS AND SURVEYS

(A) The regulatory officer shall be allowed to make regular and thorough inspections of wastewater treatment systems in the Municipality for purposes of inspection, observation and testing of wastewater

treatment systems. Whenever it shall appear to the regulatory officer that a wastewater system is inadequate, a written Notice of Violation shall be given to the property owner specifying the nature of the violation and required corrective action. The owner of the wastewater system has up to 30 days from receipt of the Notice of Violation to obtain a Wastewater System Construction Permit. Completion of work detailed in the Wastewater System Construction Permit shall be performed within the time period specified in the Permit, according to Section XIII.

(B) Systems in Zone 1 will be scheduled for inspection a least once every 3 to 5 years. For newly installed wastewater systems, the first required inspection shall be no sooner than five years after installation or one year after for holding tank, unless a property transfer or a complaint requires sooner action.

(C) The regulatory officer shall investigate all complaints under the provisions of this law and document all follow-up investigations.

(D) It shall be the duty and obligation of the wastewater system owner to supply upon request to the regulatory officer, available information regarding wastewater system type, capacity, location, usage, age, maintenance, etc., in order to determine the system's effectiveness.

X. PROPERTY TRANSFER AND REFINANCING INSPECTIONS

(A) Prior to any property transfer, all septic, treatment units or holding tanks must be pumped by a NYSDEC-licensed waste hauler at least ten (10) days prior to the time of property transfer, unless it has already been pumped and inspected by the regulatory officer within the past one year. The property owner must give the regulatory officer at least 48 hours notice to arrange for inspection of the tank. It is highly recommended that property transfer inspections and pumping be arranged by the property owner as early in the selling process as possible to obtain an accurate assessment of the system.

(B) The filtration and/or absorption area must be evaluated by the regulatory officer at least 10 days prior to the time of property transfer.

(C) If a lending institution requires a property owner to obtain a wastewater system inspection for property refinancing in the watershed, a regulatory officer or approved New York Onsite Wastewater Treatment Training Network hereafter referred to as (OTN) registered onsite wastewater treatment system inspector shall perform the inspection as per applicable provisions in this Section.

(D) If the wastewater system is determined to be failing or inadequate, a written Notice of Violation will be issued as per Section XVII, and an approved Construction Permit to correct the violation must be obtained prior to property transfer.

(E) For aerobic systems or other enhanced treatment system, the new owner must send a signed copy of a service contract to the regulatory officer within 30 days after property transfer.

(F) Only a regulatory officer of KWIC or an OTN Registered Onsite Wastewater Treatment System Inspector approved by the municipality and the KWIC are authorized to conduct a property transfer or mortgage refinance inspection as defined by this local law. An OTN Registered Onsite Wastewater Treatment System Inspector shall file the OTN approved inspection forms with the municipality and the KWIC. The OTN inspector shall follow the OTN protocols and policy and procedures of the KWIC.

(G) For holding tanks, the new owner must send a signed copy of a pumping or service contract to the regulatory officer within 30 days after property transfer. The provider of the pumping or service contract shall notify KWIC of any termination of the contract within 14 days of such termination.

(H) Sewer connected systems shall be inspected for proper plumbing to the sewer line.

(I) PROPERTY TRANSFER INSPECTIONS NOT REQUIRED FOR THE FOLLOWING TYPES OF TRANSFERS:

(1) Transfers of vacant land, not improved or utilized for human occupancy or dwelling.
(2) Transfers in foreclosure actions and deeds given in lieu of foreclosure, but a permit to operate an onsite wastewater treatment system is required prior to any human occupancy of the property.

XI. REGULAR SEPTIC TANK INSPECTION

(A) All septic tanks require regular inspection to: 1) ensure baffles are adequate; 2) check for holes or cracks; and 3) determine if tank needs pumping. Maintenance of the septic tank will help to protect the filtration/absorption area from clogging. Septic tanks, pump stations, and enhanced treatment units shall be inspected every three to five years in Zone 1 by the regulatory officer. Septic tanks, with total depth of sludge and scum exceeding one-third of the liquid depth, as demonstrated by the property owner or his agent, will be required to be pumped at property owner expense. Physical measurement will be exempt provided the tank is pumped and visually inspected by a NYSDEC certified contractor and is approved by the regulatory officer. If the tank is undersized, more frequent inspections may be required. Additional tank volume may be required by the regulatory officer to meet system use and capacity standards.
(B) After septic tank pumping, the NYSDEC certified contractor is required to send a Septic Tank Pumping Inspection Form to the KWIC verifying the septic tank was pumped and describing other maintenance work completed.

XII. WASTEWATER SYSTEM CONSTRUCTION PERMIT

(A) No construction of new or replacement wastewater systems shall be commenced until an application for a "Wastewater System Construction Permit" is reviewed and a permit is issued by the regulatory officer.
(B) No person shall build, erect, construct, expand, enlarge, add bedrooms, or convert to another use any structure or system that is subject to the provisions of this law and involves wastewater discharge without first obtaining a Wastewater System Construction Permit. Building expansions, which do not alter property wastewater discharge, such as the building of a deck or garage, are exempt.
(C) Construction of a system shall be in accordance with the specifications approved in the Wastewater System Construction Permit.
(D) No element of the system shall be covered until inspected and approved in accordance with the Wastewater System Construction Permit. Covered work shall be uncovered to permit observation whenever considered necessary by the regulatory officer.
(E) The regulatory officer shall be notified a minimum of 48 hours prior to the requested inspection date.
(F) Final inspection and certification of new or replacement systems shall be performed by the design professional and observed by the regulatory officer.
(G) A Wastewater System Construction Permit shall be valid for up to one year from date of issuance.

XIII. COMPLIANCE FOR REPLACEMENT WASTEWATER SYSTEMS

(A) Where a written Notice of Violation has been issued for an inadequate wastewater system or component thereof, corrective action according to an approved Wastewater System Construction Permit must be completed within 6 months.
(B) Where a wastewater system violation is considered by the regulatory officer to be a public health hazard, such as raw sewage on the ground or entering a watercourse, a maximum of 60 days will be allowed for corrective action. Corrective action may be required sooner, depending on the risk to public health and safety.

XIV. PERMIT TO OPERATE

No wastewater system shall be placed in operation, or any new building, structure or mobile home be occupied, until a "Permit to Operate" has been issued by the regulatory officer, indicating that such system has been constructed in compliance with the Wastewater System Construction Permit.

XV. HOLDING TANKS

(A) Holding tanks for residential systems are allowed for replacement systems only and must be approved by the regulatory officer.
(B) Newly installed holding tanks shall: 1) be vehicle accessible; 2) have an access port above grade not to exceed 8" in diameter; 3) have a capacity of five days storage based upon design flow of 110 gallons/bedroom/day; 4) have an audio and visual float alarm as specified in the owner's onsite wastewater treatment system construction permit; and 5) have anchoring devices for areas where seasonal high water table are evident from soil investigations.
(C) All holding tanks shall be inspected by the regulatory officer on an annual basis at the time of pumping. Homeowners shall give the regulatory officer 48 hours notice prior to the inspection date.
(D) All existing holding tanks shall be equipped with an acceptable alarm device to alert the property owner that the tank is filled within 12 inches of the inlet pipe.
(E) Holding tanks shall be pumped by a New York State licensed septic tank pumping contractor when the tank is a minimum of 12" of the inlet pipe and documentation shall be sent to the KWIC annually by the contractor.
(F) For holding tanks, the new owner must send a signed copy of a pumping or service contract to the regulatory officer within 30 days after property transfer. The provider of the pumping or service contract shall notify KWIC of any termination of the contract within 14 days of such termination.

XVI. ENHANCED TREATMENT UNITS

(A) Only National Sanitation Foundation referred to as (NSF) standard 40 Class I aerobic tanks are acceptable for new systems or as approved in Appendix 75-A of Rules and Regulations of the State of New York Title 10, Department of Health, Chapter II, Part 75, Standards For Individual Water Supply and Individual Sewage Treatment Systems and must be approved by the regulatory officer. For both new and replacement systems, aerobic tanks are considered a septic tank substitute and must be used in conjunction

with a properly sited and designed filtration and/or absorption area approved by the regulatory officer. A permit from the NYSDEC and a State Pollution Discharge Elimination System (SPDES) permit are required for surface discharge.

(B) A visual and audio warning device shall be installed in a conspicuous location so that activation of such warning device will alert property occupants of aerobic unit malfunction or failure. All warning devices shall be wired separately from the aerobic unit so that disconnecting the aerobic unit from electricity will activate the warning device.

(C) All enhanced treatment units shall be wired and constructed so that electrical disconnection of the aerobic tank will result in closure in the sewer line and eventual system back up.

(D) All aerobic tanks must have a continuous maintenance contract agreement with an authorized service contractor of the manufacturer and/or KWIC approved service contractor. Each aerobic unit shall be inspected at least two times a year by an authorized service contractor. All service contracts must be sent to the Watershed Department annually to verify that a continuous contract exists for the aerobic tank. The service contractor shall have aerobic unit effluent tested by a certified laboratory and/or supply to the KWIC with an annual maintenance report containing information as specified by the regulatory officer to determine that the unit conforms with manufacturer's treatment specifications.

(E) It is recognized that state of the art technology may develop treatment units other than the standard aerobic treatment units (NSF standard 40 Class I). These units may include but are not limited to units such as media treatment units or inoculators. This state of the art technology also needs standards and because of the unique nature of state of the art technology, each system needs to be approved by the regulatory officer. The regulatory officer shall approve the installation and any maintenance requirements based upon the manufacturer's recommendations for replacement systems.

XVII. PENALTIES

Written Notice of Violation shall be issued to any property owner with a wastewater disposal system found in violation of these rules and regulations, stating the date(s) by which corrective action shall be completed. Any violation beyond that date shall be punishable by a fine not to exceed $250 and/or imprisonment not to exceed 15 days per violation. Each week of violation shall be considered a separate offense. In the event of continued violations, the regulatory officer may apply for an injunction or other relief including property condemnation from the appropriate court or Municipality Board. In the event that the Municipality institutes proceedings either in local court or in Supreme Court to enforce the provisions of this statue, the offending parties shall be liable for all attorney fees; costs and disbursements incurred by the Municipality in bringing said enforcement proceedings.

More severe penalties than listed above may be imposed by a local court for blatant and willful violations such as pumping septic or holding tank wastes directly into surface waters.

XVIII. FEES

A fee will be set by the KWIC and adjusted as needed, to charge for each Wastewater System Construction Permit and Wastewater System Inspection by the regulatory officer. A fee will be set by the municipality for a real property transfer inspection and tank replacement or repair and adjusted as needed.

XIX. DEFINITIONS

All definitions printed in Appendix 75-A shall apply to this law. Additional definitions include:

"Agent" shall mean a person requested, employed or contracted by an owner or owners, occupant or lessee.

"Approved OTN Registered Onsite Wastewater Treatment System Inspector" shall mean any inspector that has fulfilled the requirements of the New York Onsite Wastewater Treatment Training Network, Inc. (OTN) for inspection of wastewater systems and is registered and has been approved by the KWIC and the municipality where the inspection is to be performed.

"Distances" shall mean the shortest horizontal linear distance from the nearest point or structure or object to the high water mark of the nearest watercourse or the edge, margin or top of precipitous bank forming the mean high water mark of a watercourse.

"New Construction" shall mean any building constructed or placed on an undeveloped site and requiring a new wastewater system and currently not utilizing a adequately functioning wastewater system.

"NSF" stands for National Sanitation Foundation founded in 1944 and is accredited by the American National Standards Institute (ANSI) and by the Standards Council of Canada (SCC) in Canada.

"Replacement Wastewater System" shall mean any construction or modification of a system for an existing building which already has a system. Complete replacement of a system for an existing property with a system, shall be considered a replacement wastewater system.

"Wastewater" shall mean liquids containing sewage or other contaminated liquids of any kind in or from the drainage system or sewer of a domestic dwelling or any other structure utilized for commercial, recreational, agricultural, institutional, or industrial purposes.

"Watercourses" shall be identified by the KWIC after consultation with the Yates and Steuben County Soil and Water Conservation Districts and the Department of Environmental Conservation and published on a set of maps.

"Regulatory Officer" refers to the Watershed Inspector and/or the KWIC's Watershed Manager with duties as described in the KWIC Policy and Procedures Manual.