

SEPTIC MAINTENANCE PROGRAM RULES
(ARTICLE 10)

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Equal Opportunity Employer

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Chapter 10:00 Septic Maintenance Program Overview

10:00:01 Definitions

Words used in this article mean:

1. "Applicant" means the property owner or other party responsible for the Eligible System.
2. "Contract" means the "Agreement between the New York City Department of Environmental Protection and the Catskill Watershed Corporation Concerning the Septic Maintenance Program" fully executed on June 16, 2003.
3. "CWC," means the Catskill Watershed Corporation.
4. "Cluster System" means a wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more residences and/or small business buildings and conveys it to a treatment and disposal system located on a suitable site near the dwellings or buildings. A small business for the purposes of this Program shall be defined in accordance with the Septic III Contract.
5. "DEP" means the New York City Department of Environmental Protection.
6. "Eligible Costs" are the costs of the Eligible System tank pump-out and other costs associated with the Septic Maintenance.
7. "Eligible System" means a subsurface sewage treatment system that either:
 - a. serves a residence and was inspected, remediated, upgraded or installed pursuant to the Septic Program, or
 - b. serves a residence and was constructed in accordance with the Watershed Regulations, or
 - c. is individually approved for inclusion in the Maintenance Program by the DEP and CWC in writing, based upon a showing of compelling environmental justification and financial need, including Cluster Systems constructed pursuant to the Septic III Program.
8. "Pilot Program Area," means the areas of implementation for the first two years of the program.
9. "Priority Area" means areas as defined in the Water Supply permit for New York City Watershed Land Acquisition Program issued by New York State Department of Environmental Conservation. (DEC Permit #0-999-00051/00001)
10. "Residence" means a building, including a mixed commercial/residential use building,
 - a. that has no more than two residential units and is served by a subsurface sewage treatment system with a design flow of less than 1000 gallons per day.
11. "Septic Maintenance," means minor maintenance and pump-out of an Eligible System.
12. "Septic Maintenance Program" or "Program" means the Septic Maintenance Program as described in the Contract
13. "Septic Maintenance Program Funds" or "Program Funds" means funds allocated pursuant to the Contract intended to reduce the occurrence of subsurface sewage treatment system failures through regular pump-outs and maintenance.
14. "Septic Program" means the CWC Septic System Rehabilitation and Replacement Program, the CWC Septic System Rehabilitation and Replacement II Program, the CWC Septic System Rehabilitation and Replacement III Program, and the CWC Septic System Rehabilitation and Replacement IV Program.
15. "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 (the “Watershed Regulations”), 10 New York Codes, Rules and Regulations (“NYCRR”) §§128-3.8 et seq.; 15 Rules of the City of New York (“RCNY”) §§18-38 et seq.

10:00:02 Septic Maintenance Program Description

1. In accordance with the Contract, the CWC provides funding for Septic Maintenance of Eligible Systems in the New York City Watershed west of the Hudson River.
2. Program Funds may be used only to pay costs incurred by CWC pursuant to written agreements with contractors to perform the Program work and/or pursuant to completion of CWC Reimbursement Application Form to reimburse property owners for Septic Maintenance; fees and expenses of consultants or contractors engaged by CWC to assist in fulfilling its duties and responsibilities; CWC costs for technical and professional employees to perform the Program work; and CWC reasonable administrative costs to manage and administer the Program, including necessary education and outreach.

10:00:02:01 Program Area

1. An Eligible System may be funded under applicable program rules if it is located within the West of Hudson Watershed and either
 - a. received construction approval from NYCDEP pursuant to the Watershed Regulations on or after November 1, 1995; and/or
 - b. was remediated, upgraded or installed pursuant to the CWC Septic Program; and/or
2. Eligible Systems will be prioritized by year of construction completion and/or reservoir basin in the following order:
 1. Rondout/Neversink
 2. Ashokan
 3. Pepacton
 4. Cannonsville
 5. Schoharie

CHAPTER 10:01 Septic Maintenance Program Rules

10:01:01 Applicant Reimbursable Costs

1. The Applicant must submit a completed reimbursement application form provided by CWC.
2. Upon application and approval by CWC staff, CWC shall pay 50% of Eligible Costs to the applicant for Septic Maintenance. No reimbursement shall be made for disallowed costs. Disallowed costs are expenses not appropriately documented; interest and late fees; fines penalties or payment of sales tax. No costs of enzymes or system additives are permitted.
3. Any reasonable avoided cost documented by the Applicant through in-kind services related to septic maintenance will be directly discounted from the Applicant's match cost. CWC shall determine a value to such in-kind services.
4. Inspection, maintenance and pump-out of the Eligible System must have been conducted after July 15, 2003 in order for an Applicant to be reimbursed for Eligible Costs.
5. An Applicant seeking reimbursement for necessary Septic Maintenance costs that were required for adequate operation of a septic system may be eligible for reimbursement at reasonable costs, per the CWC schedule of values. Potential necessary incidental costs shall include, but not be limited to, the following:
 1. Septic structures, such as gas baffles or effluent filters in septic tanks
 2. Flow speed leveling devices in distribution boxes.
6. Eligible Costs for septic tank pump-out, inspection and minor maintenance of the septic system is detailed in the CWC Schedule of Values.

10:01:02 Application for Reimbursement

1. To apply for reimbursement, an Applicant shall fill out a Reimbursement Application Form supplied by CWC. In filling out the form, the Applicant shall supply the completed Inspection Checklist, information requested regarding the costs incurred, costs paid and any other information and supporting documents requested by CWC to determine eligibility of the costs, including any in-kind services. The following documentation is required to verify cost incurred, and to process reimbursements.
 - a. True copy of contractor invoice(s), AND any one of the following: canceled check(s), money order receipt(s), or contractor receipt(s)
2. The availability of funds for reimbursement of individual Applicants is not intended to and does not establish an entitlement for any person and the CWC reserves the sole right to determine the amount of Eligible Costs to be approved for reimbursement of each applicant in order to avoid excessive charges and to preserve the fiscal integrity of the Septic Maintenance Program.

10:01:03 Reimbursement Approval Authority

1. Where the total amount requested for reimbursement is less than or equal to \$1,000, the CWC Executive Director shall be authorized to approve, modify or deny the reimbursement request.
2. Where the total amount requested for reimbursement is more than \$1000, the staff recommendation shall be forwarded to the CWC Board of Directors who shall review the

application and recommendation and approve, modify or deny the reimbursement request.

10:01:04 Coordination with DEP

1. CWC will provide quarterly progress reports to DEP including, but not limited to, approved reimbursement requests in a manner that is consistent with the contract.
2. Based on DEP procedures for septic waste disposal at its wastewater treatment plants in the West of Hudson Watershed, septic waste from the Program may be disposed at City WWTP's at no charge and at a time and at such intervals acceptable to DEP, subject to the following terms and conditions:
 - a. The WWTP has adequate capacity to handle such waste;
 - b. The WWTP is permitted to accept such waste;
 - c. The design of the WWTP allows for the practical acceptance of septic waste by truck; and
 - d. The acceptance of waste will not cause or contribute to an upset of the treatment processes or violation of the plant's SPDES permit.

10:01:05 Persons authorized by CWC to perform pump-out and maintenance

1. Only a New York State Department of Environmental Conservation-licensed septage hauler is permitted to pump septage for reimbursement through this program.

10:01:06 Pump-out and Inspection Protocols

1. Funding of pump-outs for an eligible system cannot exceed once every three years.
2. The Septic Inspection will include the completion of an Inspection Checklist. It will require the inspector to uncover and inspect the septic tank through the manholes and to visually inspect the influent and effluent pipes, and clean the effluent filter in the tank as well as uncover and inspect inside the distribution box.

10:01:07 Duty to Maintain

1. The Program does not relieve any property owner of any duty to properly maintain a subsurface sewage treatment system.