

SMALL BUSINESS  
SEPTIC SYSTEM REHABILITATION AND  
REPLACEMENT PROGRAM RULES  
(ARTICLE 13)

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**Equal Opportunity Employer**

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**Chapter 13:00 – Small Business Septic Program Overview**

**13:00:01. Definitions**

*Nothing herein shall be construed to conflict with applicable laws, rules and regulations. Words used in this article mean:*

1. “75-A” - 10 NYCRR Appendix 75-A.
2. “88 Standards” – NYSDEC publication entitled Design Standards for Wastewater Treatment Works, 1988;
3. “CWC Board” - the Board of Directors of the CWC;
4. “CWC” - the Catskill Watershed Corporation;
5. “Absorption area” - an area to which wastewater is distributed for infiltration to the soil, including tile fields, trenches, seepage pits, cesspools and sanitary privies. (Reference 10 NYCRR Appendix 75-A, hereafter called 75-A).
6. “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.
7. “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.
8. “Design flow” –the minimum design flow as shown in the 88 Standards, Table 3.
9. “Eligible systems”- Septic systems serving existing Small Businesses in the West of Hudson River Watershed that CWC staff determine to be failing. For the purposes of this program, an existing Small Business includes a Small Business served by a septic system that was constructed for that business or a pre-existing business before November 2, 1995 but not eligible for funding under the CWC Septic Program. Septic systems whose use was suspended for a period greater than one year are not eligible systems unless the business was transferred, sold, or leased within three years as provided in Section 18-27 (a)(4)(iii) of the Watershed Regulations.
10. “Failure” - evidence of dye on the ground surface or in a watercourse, or evidence of sewage effluent on the ground surface or in a watercourse, or other obvious failure of system component (e.g. collapse of a septic tank) in the judgment of CWC. Observed effluent may need to be confirmed as a "failure" by the introduction of dye into the treatment system and subsequent field observation for dye.
11. “Leach field” - an absorption area, typically consisting of a field or trench formation.
12. “MOA” – New York City Watershed Memorandum of Agreement.
13. “NYCDEP” – New York City Department of Environmental Protection.
14. “NYSDOH” – New York State Department of Health
15. “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. (Reference Watershed regulations).
16. “Reservoir stem” - any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir. (Reference Watershed regulations).
17. “Sanitary privy” - pit, watertight vault or removable watertight receptacle for direct disposal of non-waterborne human waste. (Reference 75-A handbook).
18. “Septic Program” – the CWC Septic System Rehabilitation and Replacement Program per the MOA and the contracts between CWC and NYCDEP, including individual reimbursement.

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19. "Septic system" - a system for on-site treatment and disposal of human waste, including both waterborne and non-waterborne systems.
20. "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.
21. "Small Business" – an existing business, that at the time of its enrollment in the Program, is resident in New York State, independently owned and operated, and employs one hundred or less individuals and, as applied under MOA Paragraph 145(ii). The number of employees shall include the employees of each affiliated business. Affiliated business shall be defined in accordance with the federal Small Business Act regulations 13 C.F.R. Section 121.103 *et seq.* Small Business may include a mobile home park consisting of three or more mobile homes rented/owned as residences. Small Business shall not include an apartment building.
22. "Small Business Owner" – individual or corporation that owns real property upon which a Small Business is operated or a Small Business if it is the property owner or is otherwise contractually required to maintain its septic system.
23. "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 Watershed regulations).
24. "Water supply" - the New York City public water supply system, including all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto. (Reference Watershed regulations).
25. "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 Watershed regulations).
26. "Watershed regulations" – Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources (Title 10 New York Code of Rules and Regulations Part 128, Title 15 of the Rules of the City of New York Chapter 18 .
27. "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 Watershed regulations).

**13:00:02. Small Business Septic Program Description**

The CWC provides funding to rehabilitate and replace a failed septic system serving a Small Business, in the West of Hudson River Watershed in accordance with these Program Rules and consistent with the Agreement between NYCDEP and CWC dated June 6, 2008 for the Septic III Program. Pursuant to the 2007 Filtration Avoidance Determination (FAD) and the Agreement between NYCDEP and CWC, funding for the CWC Small Business Septic Program is limited to \$4,000,000.

**13:00:02:01 Inspection, Repair and Reimbursement in Priority Areas**

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1. Overview:

CWC or its agents will inspect Small Business septic systems in Priority Areas, defined below, and determine if each system inspected, or its individual components, are in failure. CWC shall then reimburse Small Business owner for any needed improvements to the system in accordance with the NYCDEP approved repair design, as required by the Watershed Regulations. Such inspections will be conducted in order of CWC's Priority Criteria, discussed in section 13:00:02:02(2). As provided in the 2007 FAD, the CWC will reimburse 75% of the costs for Small Business Owner to procure services to complete the design and construction of such improvements to the Small Business Owner in accordance with these Program Rules.
2. Inspection and Repair Priorities
  - A. The majority of program funds will be dedicated to a program for inspection and repair of Small Business septic systems within Priority Areas inside the West of Hudson Watershed, using the following priority criteria in descending order of importance:
    - 1) Small Business septic systems located within the 60 day travel time as identified by the NYCDEP Land Acquisition Program
    - 2) Small Business septic systems located a) within 700 feet of a watercourse.
  - B. Within the above priority areas, the following factors will be given due consideration by the CWC and its authorized agents to further prioritize systems on an individual basis: (and not in any priority order)
    - 1) Soil characteristics
    - 2) Depth to seasonal high groundwater table
    - 3) Slope of site
    - 4) Flood plains
    - 5) Age of system
    - 6) Incidence of maintenance on system
    - 7) Specific distances from watercourse, reservoir, or reservoir stem in (A.) above
    - 8) Occupancy / Usage
    - 9) Flow rate / design flow
    - 10) Signs of failure
3. Payment for repairs/ replacements of inspected systems will be as follows:
  - A. If CWC determines during the inspection that the Small Business septic system, or individual components, is in failure and should be repaired or replaced, the Small Business Owner shall secure a preliminary design of such repair or replacement and forward the preliminary design with soil test results clearly shown on documents to CWC for review. CWC shall submit design comments indicating what CWC will fund to the Small Business Owner. The Small Business Owner is responsible to submit a final design to NYCDEP for its review and approval. Certain Small Businesses, including mobile home parks, may also be required by New York State regulations to obtain design and construction approvals from NYSDOH for repairs to or replacement of their septic system.
  - B. After the Small Business Owner has obtained design approval from NYCDEP and NYSDOH (if required), the Small Business Owner shall obtain a quote on a CWC bid form. CWC requires that the Small Business Owner submit the quote to CWC for

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funding approval. The Small Business Owner is also responsible to obtain any necessary permits from local municipalities and the County or State Department of Health, whichever is applicable, before proceeding with construction. In the event that a request for reimbursement exceeds \$25,000, the Board of Directors shall approve the scope of work and the cost of the system before construction may begin.

- C. After construction is complete, and a NYCDEP and NYSDOH (if required) Construction Approval has been issued, the Small Business Owner shall submit an application for reimbursement to CWC with a copy of the NYCDEP Construction Approval.

**13:00:03. Implementation Milestones**

1. The CWC will continue to seek additional funding to allow implementation of Small Business Septic Program inspection and repair throughout the watershed. The program completion date may be extended if additional funding is obtained.

**13:00:04. Public Education and Outreach**

The CWC shall engage in Public Education and Outreach to disseminate information on the availability of the Small Business septic reimbursements and information about how to maintain a septic system. Such education and outreach shall include the following activities:

- a. Public Notice
- b. CWC Newsletter
- c. Contact with other Watershed Based Agencies
- d. Distribution of Brochures

**CHAPTER 13:01 – SMALL BUSINESS SEPTIC PROGRAM RULES**

**13:01:01. CWC Schedule of Values**

1. CWC shall determine reasonable cost for each component of the work based on the cost of similar work within the West of Hudson Watershed.
2. The CWC Executive Director may approve a payment of up to an additional 100% over the schedule of value upon submission of appropriate demonstration / documentation that the cost is reasonable and justified.
3. Work by engineers is limited to only what is necessary to produce an approved plan.
4. The CWC shall establish a construction schedule of values based on the cost of similar work within the Watershed Area. Attached as Appendix A.
5. The CWC shall make payments according to the established schedule of values after receipt of a completed application form with attachments, including documentation of the date that NYCDEP and CWC was notified, the date of the inspection and a description of subcontractor work completed (i.e., tank pump-out, test pits), NYCDEP approval of

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design and of construction, a description of work completed, and subcontractors' invoices.

**13:01:02. Small Business Owner Portion of Cost**

1. The CWC shall pay 75% of the eligible cost of needed repairs or replacements for eligible septic systems serving a small business. For repairs or replacements that received construction approval from NYCDEP prior to January 1, 2016, reimbursement by CWC shall not exceed \$40,000.00, inclusive of construction and engineering fees. In the event the use of the septic system changed to a different activity, eligible costs shall be limited to the cost of repairing or replacing the septic system based upon the original use.

**13:01:03. Eligible Costs**

- 1) Before any payments are made under this program a system must be determined an eligible system.
- 2) In order to be eligible to apply for reimbursement, the cost incurred needs to be reasonable and necessary for work done to a small business septic system that CWC has determined is failing. The applicant must submit a completed reimbursement application form provided by CWC.
- 3) The inspection, design, repair or replacement 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) Design costs are eligible, limited only to work needed to complete an approved design, including needed site investigation. Administrative work done by the engineer shall not be eligible.
  - c) Both design and construction of any rehabilitation or replacement must have been approved by NYCDEP.
  - d) CWC may deem ineligible costs incurred for oversized systems or work that CWC determines to be outside the requirements Chapter 18-38 of the Watershed regulations, not otherwise required as a condition of NYCDEP approval and superfluous to the achievement of adequate sewage treatment.
- 4) CWC must determine the cost of work performed to be reasonable. CWC staff shall determine costs to be reasonable based upon the established schedule of values.
- 5) A Small Business owner seeking reimbursement for necessary incidental costs that were required for installation of an adequate septic system might be eligible for reimbursement at reasonable costs. Potential necessary incidental costs shall include but not be limited to the following:
  - a) Purchase of land/easements: The cost of land purchase, easements and / or maintenance agreements may be considered eligible on a case by case basis if determined by CWC to be needed for the repair or replacement of an adequate septic system. Such costs must be pre-approved by CWC in writing.
  - b) Legal costs required solely for the repair or replacement of the septic system. Such costs must be pre-approved by CWC in writing.

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- c) Survey costs used for topography studies needed for the design of the septic system. Such costs must be pre-approved by CWC in writing.
  - d) Reduced flow fixtures: Reduced flow fixtures shall be installed if cost savings to the program are demonstrated. The allowance for reduced flow toilets will be limited to basic white fixtures based on the established schedule of values. If the Small Business owner desires fixtures that are above the approved standard they shall pay the additional cost of such fixtures. If the Small Business owner refuses to install the fixtures, they will be responsible for the additional cost incurred to construct the larger leach-field that will be required. Time of use and total flow for faucets and showerheads are not controlled by flow rate standards, and as such are not an eligible cost. CWC will offer a water saving kit that converts faucets and showerheads to low flow standards as part of this program. The Small Business owner is urged to install these items.
  - e) Septic structures, such as gas baffles or effluent filters in septic tanks and speed levelers in distribution boxes, shall be installed on all systems if practical. When outlet filters are installed, they must be designed and installed so that they can be removed without harming the integrity of the septic tank baffles or sanitary tee.
- 6) In all cases, the least expensive, technologically appropriate alternative needed to repair or replace a failed septic system will be eligible.

**13:01:04. Disallowed Costs**

- 1) Any expenses that are not appropriately documented shall be disallowed.
- 2) Expenditures that do not follow the prior approval and notification procedures, as required by CWC and/or NYCDEP, are disallowed.
- 3) Interest and late fees are disallowed.
- 4) Fines and penalties are disallowed.
- 5) The payment of sales tax is disallowed.
- 6) Eligible construction services shall not include non-essential site beautification or interior plumbing changes.
- 7) Administrative work conducted by the engineer is disallowed.

**13:01:05. CWC Duplication of Payment Prohibited**

- 1) CWC will pay only once for the rehabilitation and replacement of a component of an eligible Small Business septic system. Any component of a septic system that has previously received funding for completed repair or replacement under any part of the Small Business Septic Program will not be eligible for participation in the Small Business Septic Program until all other systems within the Watershed have been addressed, unless specifically approved by the Executive Director, due to unique circumstances. Unique circumstances may include



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documentation that the previous funding addressed only part of the component, that a managed repair was installed, or that a provisional repair was installed.

- 2) Septic systems that are eligible for or were previously repaired under the CWC Septic Program are not eligible for the Small Business Septic Program.
- 3) CWC shall maintain records of the status of all septic systems addressed under this program, based on property owner, tax identification number and location. CWC shall compare such records against program records for previous repairs and Alternate Design Program payments to prevent duplicate payments.

**13:01:06. Excluded Eligibility Areas**

- 1) Some small businesses within the watershed shall not be eligible to be included in the Small Business Septic Program because another MOA program will potentially alleviate the need for a functioning septic system at that business.
- 2) a) Properties located in the following areas are excluded from this program:
  1. Small Businesses scheduled to be included in the sewer extension programs in the vicinity of NYC owned wastewater treatment facilities:
    - a. Village of Tannersville/Town of Hunter
    - b. Hamlet of Grand Gorge
    - c. Village of Margaretville/ Town of Middletown
    - d. Hamlet of Grahamsville
    - e. Hamlet of Pine Hill
  2. The portions of the following communities that are participating in the New Sewage Treatment Infrastructure Program. [Listed as community, town (County)]
    - a. Village of Hunter, Town of Hunter (Greene Co.)
    - b. Village of Fleischmanns, Town of Middletown (Delaware Co.)
    - c. Windham/Hensonville, Town of Windham (Greene Co.)
    - d. Village of Andes, Town of Andes (Delaware Co.)
    - e. Hamlet of Roxbury, Town of Roxbury (Delaware Co.)
    - f. Phoenicia, Town of Shandaken (Ulster Co.)
    - g. Prattsville, Town of Prattsville (Greene Co.)
    - h. Hamlet of Bloomville, Town of Kortright / Stamford (Delaware Co.)
    - i. Hamlet of Boiceville, Town of Olive (Ulster Co.)
    - j. Hamlet of Hamden, Town of Hamden (Delaware Co.)
    - k. Hamlet of Delancey, Town of Hamden (Delaware Co.)
    - l. Hamlet of Bovina Center, Town of Bovina (Delaware Co.)
    - m. Hamlet of Ashland, Town of Ashland (Greene Co.)
    - n. Hamlet of Trout Creek, Town of Tompkins (Delaware Co.)
    - o. Haines Falls, Town of Hunter (Greene Co.)
    - p. Hamlet of Lexington, Town of Lexington (Greene Co.)
    - q. Hamlet of S. Kortright, Towns of Kortright / Stamford (Delaware Co.)
    - r. Hamlet of Shandaken, Town of Shandaken (Ulster Co.)
    - s. Hamlet of West Conesville, Town of Conesville (Schoharie Co.)
    - t. Hamlet of Claryville, Towns of Denning / Neversink (Ulster Co. & Sullivan Co.)
    - u. Hamlet of Halcottsville, Town of Middletown (Delaware Co.)
    - v. Hamlet of New Kingston, Town of Middletown (Delaware Co.)

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- 3) The portions of the following communities that are participating in the CWC Septic Program for Cluster Systems have limited eligibility. [Listed as community, town (County)]
  - i) Kelly Corners, Town of Middletown (Delaware Co.)
  - ii) Clovesville – Kissimmee Road, Town of Middletown (Delaware Co.)
  - iii) Stratton Falls Trailer Court, Town of Roxbury (Delaware Co.)
  - iv) Delhi Trailer/Mobile Home, Town of Delhi (Delaware Co.)
  - v) Lanesville, Town of Hunter (Greene Co.)
  - vi) Westkill, Town of Lexington (Greene Co.)
  - vii) Jewett Center, Town of Jewett (Greene Co.)
  - viii) Woodland Valley Road, Town of Shandaken (Ulster Co.)
  - ix) Traver Hollow Road, Town of Olive (Ulster Co.)
  - x) Shokan, Town of Olive (Ulster Co.)
  - xi) Sundown, Town of Denning (Ulster Co.)
  - xii) Denning, Town of Denning (Ulster Co.)
  - xiii) Neversink, Town of Neversink (Sullivan Co.)
  
- 4) Small businesses located in areas listed in 2 above will be excluded from participating in the Small Business Septic Program. Small businesses in areas listed in 3 above may be excluded from the CWC Small Business Septic Program if the CWC Cluster System Septic Program will provide a permanent wastewater solution for that business. If during pendency of determining eligibility for CWC Cluster System Septic Program, the failure requires a temporary repair to manage the system, the Executive Director of CWC must approve such managed repair, and shall base approval on the severity of the threat to water quality and the timing of the anticipated alternate program.
  
- 5) Upon approval by the Executive Director to proceed with a managed repair, the CWC staff shall consult with NYCDEP staff to determine the extent of a design the needed repair. The Small Business Owner shall hire a design professional for work other than an in-kind replacement, to design the extent of work approved by the Executive Director. The quote for the work will be submitted to CWC for funding approval. The Small Business Owner shall complete the repair and submit the costs for reimbursement. For each system that receives a managed repair and is subsequently not included in an alternate program, CWC may review the managed repair and implement design of any upgrade needed.

**13:01:07. Coordination With NYCDEP**

- 1) Pursuant to section 2.05 of the Septic III Program Contract between CWC and NYCDEP, septic waste generated under this program shall be accepted at NYCDEP owned wastewater treatment plants provided that such plants are capable of handling the waste, and such acceptance is consistent with the MOA.
  
- 2) CWC will notify the NYCDEP on a regular basis of approved reimbursement request in a manner that is consistent with the MOA.

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**13:01:08. Application for Reimbursement**

- 1) To apply for reimbursement, a Small Business Owner shall fill out an application form supplied by CWC. In filling out the form, the Small Business Owner shall supply information requested regarding the design approval, costs incurred, costs paid and any other information and supporting documents requested by CWC to determine eligibility of the costs. The following documentation is required to verify cost incurred, and to process reimbursements.
  - a) True copy of contractor Invoice(s), AND
  - b) any one of the following:
    - i) Canceled check(s),
    - ii) Money order receipt(s),
    - iii) Contractor / design professional receipt(s)
- 2) The availability of funds for individual reimbursement of small business owners is not intended to establish an entitlement for any person and the CWC reserves the right to limit the ultimate reimbursement in order to avoid excessive charges and to preserve the fiscal integrity of the Small Business Septic Program.

**13:01:09. Review of Applications**

- 1) Where the total amount requested for reimbursement is less than or equal to \$25,000, the CWC Executive Director shall be authorized to approve, modify or deny the reimbursement request. Where the total amount requested for reimbursement is more than \$25,000, 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.
- 2) Approval of a request for reimbursement shall be conditioned upon the owner's agreement to have his/her septic system pumped out and/or inspected, if so requested by NYCDEP. Any such pump-out will be paid for by CWC.

**13:01:10. Appeals Process**

- 1) An applicant who believes that his or her application for reimbursement under the Reimbursement Program was wrongly denied, in whole or in part, may request a review of the disputed claim(s) by the CWC Board of Directors. The applicant shall submit such request for appeal in writing to the President of the CWC, by certified mail return receipt requested. In the request for appeal, the applicant shall identify the reason for the appeal, and shall include a completed CWC appeal form. The CWC Board shall act upon each written request no later than the next regularly scheduled CWC Board meeting occurring that is at least fifteen (15) days after CWC's receipt of the completed written request for appeal.
- 2) The CWC Board may reverse the decision to deny reimbursement, in whole or in part, in four instances.
  - a) The applicant was wrongly deemed ineligible.

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- b) The applicant 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.
  - c) That the applicant 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
  - d) That there are special circumstances involved that warrant eligibility to the program or that warrant reimbursement.
- 3) The decision of the CWC Board of Directors after appeals is not subject to further review or revision by CWC.

**13:01:11. Method of Payment**

- 1) The CWC shall pay the approved amount to the applicant within 30 days of receipt of a completed application.
- 2) Reimbursements shall be paid as discussed in Chapter 13:00 and 13:01.
  - a) When the Small Business Owner has paid the contractor in full, a check will be issued directly to the Small Business Owner.
  - b) In the case of an estate seeking reimbursement, a check will be issued to the estate.
  - c) If the Small Business Owner cannot or does not wish to pay the contractor, the CWC will issue a two- party check payable to the Small Business Owner and the contractor for the approved cost.

***CHAPTER 13:02 – CWC INSPECTION AND REPAIR PROTOCOLS***

**13:02:01. System Standards**

- 1) The Small Business Septic Program includes standards for determining whether a system will be rehabilitated or replaced, and for determining the appropriate rehabilitation, upgrade or replacement of an existing system. This chapter identifies under what conditions a Small Business septic system should be repaired, upgraded or replaced (including the specific issue of cesspools), and sets forth guidelines for site analysis to identify the needed repairs, upgrades and replacements.
- 2) These rules do not require that existing non-complying septic systems that do not meet the 88 Standards - but are not failing be upgraded or replaced.
- 3) The Standards for the Small Business Septic Program are consistent with New York City Watershed Rules and Regulations governing existing subsurface sewage treatment systems. The governing provisions are from Paragraph 9 of Section 18-38 of the Watershed Rules and Regulations. The design and construction of the septic system repairs must be approved by NYCDEP through the NYCDEP permit process.
- 4) Wherever feasible, a failed system shall be brought into full compliance with the Watershed Regulations, Title 10 NYCRR Section 75 and Appendix 75-A and the 88 Standards, as applicable. When full compliance with the standards of the Watershed Regulations, Appendix 75-A or the 88 Standards are not feasible or practicable, the system should be

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repaired or replaced (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 or the 88 Standards shall be minimized to allow for the best feasible upgrade within the borders of the lot, while preserving public health, safety and the environment.

- 5) CWC shall notify DEP within five (5) business days upon identifying a failed septic system at a participating Small Business.
- 6) The Small Business Septic Program may allocate funds for voluntary inspection and repair of septic systems in specific priority areas. Such inspections and repairs shall be conducted in accordance with these inspection protocols. These inspection protocols may also be used in the Reimbursement Program.

**13:02:03. Inspection Protocols**

- 1) The inspection should begin with an initial discussion with the Small Business Owner(s) to describe the overall program. Inspectors should highlight that the work consists of the following primary parts:
  - a) an owner interview to obtain voluntary participation into the Small Business Septic Program. During the owner interview, the CWC inspector shall inform the Small Business Owner of all cost sharing provisions, the schedule of value limits, program eligibility criteria and that all CWC information is subject to the Freedom of Information Act;
  - b) an initial inspection of the Small Business septic system and adjacent areas (including a dye test if needed);
  - c) a detailed inspection of any problems identified in the initial inspection, if needed;
  - d) determination of repairs needed;
  - e) implementation of such repairs (design and construction).
- 2) During the initial contact, inspectors should inform the owner(s) of the specific tasks that they will be doing during the inspection of the septic system and adjacent areas, including but not limited to:
  - a) Examining internal plumbing configuration and connections;
  - b) Recording general layout of the septic system components;
  - c) Assessment of external site features, including observation of conditions which may indicate septic problems;
  - d) Dye test if needed to identify failing systems, which may require one or more brief revisits to check for dye on the property;
- 3) Failure is defined as evidence of dye on the ground surface or in a watercourse, or evidence of sewage effluent on the ground surface or in a watercourse, or other obvious failure of system component (e.g. collapse of a septic tank) in the judgment of CWC. Observed effluent may need to be confirmed as a "failure" by the introduction of dye into the treatment system and subsequent field observation for dye. Should a system be found to be failing, appropriate staff from NYCDEP, in accordance with NYCDEP's Rules and Regulations, will have the opportunity to review and approve proposed changes to the system.

# **CWC Small Business Septic System Rehabilitation and Replacement Program Rules**

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- 4) If the initial inspection identifies failure, the CWC inspector will proceed with detailed inspection of identified problems, which may include inspection of the septic tank (including pump-out if needed for inspection) and deep test pits in the leach area.
- 5) The pump-out will be conducted separately by a private contractor(s), who will be responsible to uncover the septic tank and D-box, provide the pump-out and restore the property. A CWC qualified inspector will inspect the tank at the time of the pump-out.
- 6) CWC staff shall record inspection information, and shall make every effort to complete as much information on the form as possible to accurately describe the site and septic system to insure that the inspection is valid and useful.