

SEPTIC MAINTENANCE PROGRAM RULES
(ARTICLE 10)

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Approved by the Board of Directors

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Revised

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”.
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, small business, not-for-profit corporation, or governmental entity and was inspected, remediated, upgraded or installed pursuant to the MOA Septic Program or Expanded Septic Program, or
 - b. serves a residence, small business, not-for-profit corporation, or governmental entity and was constructed in accordance with the Watershed Regulations, or
 - c. is an existing Substandard Subsurface Sewage Treatment System serving a residence, small business, not for profit, or governmental entity .
 - d. is individually approved for inclusion in the Septic 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. Expanded Septic Program – the CWC Expanded Septic Program funded pursuant to the 2017 Filtration Avoidance Determination issued by New York State Department of Health.
9. Governmental Entity –a county, city, town, village, school district, or other local municipal entity, including a fire district and other firefighting organization regardless of how such district or organization is incorporated, located within the boundaries of the West of Hudson watershed as defined in the Watershed Regulations, excluding the City of New York, State of New York, and the United States government, and each of their agencies and authorities, except that a government entity may not use funding provided under this Amended Program Agreement to fund maintenance of a community septic system funded under the Community Wastewater Management Program established pursuant to paragraph 122 of the Watershed MOA.
10. MOA Septic Program – the CWC Septic Program established pursuant to Paragraph 124 of the 1997 New York City Watershed Memorandum of Agreement to repair or replace failing or reasonably likely to fail septic systems serving existing residence.
11. Not-for-Profit Corporation – an entity formed exclusively for a purpose or purposes, not for pecuniary profit or financial gain, for which a corporation may be formed pursuant to

the New York Not-For-Profit Corporation Law or similar law of another state, where no part of the assets, income, or profit of such entity is distributable to, or inures to the benefit of its members, directors, or officers except to the extent permitted by the New York Not-For-Profit Corporation Law.

12. "Pilot Program Area," means the areas of implementation for the first two years of the program.
13. "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)
14. "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.
15. "Septic Maintenance," means minor maintenance and pump-out of an Eligible System.
16. "Septic Maintenance Program" or "Program" means the Septic Maintenance Program as described in the Contract
17. "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.
18. Small Business - a 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 an unincorporated entity, a sole proprietorship, a building or project with three or more residences that are rented, or a mobile home park consisting of three or more mobile homes rented/owned as residences
19. "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. In accordance with the Contract, the CWC also provides funding for examination of a wastewater treatment plant located in the West of Hudson Watershed and owned by a Government Entity to determine the changes, if any, that would be required to allow the wastewater treatment plant to accept septage generated by properties in the West of Hudson Watershed.
3. 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 MOA Septic Program or CWC Expanded Septic Program; and/or
 - c. is an existing substandard subsurface sewage treatment system serving a residence, small business, not-for-profit, or government entity that does not meet current applicable standards for a subsurface sewage treatment system.
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

3. *Limited Eligibility Areas* - Properties within the West of Hudson Watershed shall not be eligible for reimbursement if the applicant's property is in a septic maintenance district or is required to connect to a sewer collection system pursuant to a local law.

CHAPTER 10:01 Septic Maintenance Program Rules

10:01:01 Septic Maintenance - 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.
3. Risers
6. Eligible Costs for septic tank pump-out, inspection and minor maintenance of the septic system is detailed in the CWC Schedule of Values.
7. The CWC Executive Director may approve a payment of an additional 100% over the schedule of values upon submission of appropriate demonstration/documentation that the cost is reasonable and justified.

10:01:02 Septic Maintenance 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.

10:02 WWTP Examination

10:02:01 Application

1. A Governmental Entity may apply to CWC for funding for the examination of a wastewater treatment plant located in the West of Hudson Watershed and owned by such Government Entity to determine the changes, if any, that would be required to allow the wastewater treatment plant to accept septage generated by properties in the West of Hudson Watershed.
2. Applications may be submitted for:
 - a. Feasibility Study

10:02:02 Feasibility Studies

1. Eligible feasibility study funding may be available for Government Entities to provide an examination of current WWTP conditions and evaluation of proposed upgrades.
2. The examination shall consist of:
 - a. Review of current wastewater treatment plant including schematic of current facility and treatment process
 - b. Whether such facility could accept septage without significant disruption to its operation
 - c. Volume in gallons per week of the amount of septage the facility could accept
 - d. Proposed upgrades and additional equipment required to allow the wastewater treatment plant to accept septage
 - e. Ability of facility to receive proper permitting from NYCDEP and NYSDEC
 - f. Estimated cost of design, construction, and operation and maintenance of proposed upgrades and/or equipment.
3. All funding applications for a feasibility study require approval of the CWC Board of Directors

10:02:03 Design Work

1. Applications

- a. Upon completion of a feasibility study, a Governmental Entity may apply to CWC for engineering costs to design upgrades and additional equipment that were recommended in the feasibility study for the wastewater treatment plant.
- b. Applications for design funding shall be jointly approved by CWC and DEP. The Party denying approval shall provide a written basis for such denial to the other Party.
- c. CWC and DEP may approve design funding for all, or a subset of the equipment identified in the feasibility study.
- d. Applicants shall confirm that equipment to be designed will only accept septage generated by properties in the West of Hudson Watershed.
- e. Approval of an application for design funding shall be based upon criteria including, but not limited to, the following:
 - i. Whether there are current or future disposal needs in the West of Hudson Watershed based on:
 - Existing accepting capacity of existing West of Hudson WWTP's.
 - The number of septic systems or other sources of septage located in the West of Hudson Watershed that if maintained regularly according to NYSDOH guidelines exceeds the existing accepting capacity of existing West of Hudson WWTPs.
 - The number of septic systems or other sources of septage located in the West of Hudson Watershed that are in in closer proximity to the applying municipal wastewater treatment facility than existing facilities being utilized for disposal needs located outside the West of Hudson Watershed, including Albany, Oneonta, and Pennsylvania plants, among others.
 - ii. Volume in gallons of initial or additional septage that the facility could accept on a weekly basis.
 - iii. The feasibility of permitting septage treatment facilities.
 - iv. The cost to permit, design, construct, and maintain the treatment works necessary to accept septage.
 - v. The extent to which accepting septage could be done within the facility's existing, or revised SPDES discharge permit issued by the New York State Department of Environmental Conservation for the wastewater treatment plant.

Article 10

2. Design

- a. All design work shall be completed by a qualified professional.
- b. Design work shall be submitted to CWC and DEP for review at 30%, 60%, and 90% intervals for review and comment prior to completion.

All design work shall comply with State design standards and the Watershed Regulations.