

Town of East Fishkill, NY
Friday, September 16, 2016

Chapter 152. Sewers

Article III. Individual Subsurface Sewage Disposal Systems

§ 152-16. General provisions.

A. Statement of purpose. This article's purpose is described as follows:

- (1) To implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-08-002 for Stormwater Discharges from Municipal Separate Storm Sewage Systems (MS4), effective May 1, 2008, which require that the Town implement, through the enactment of the necessary legal authority, and enforce a program to ensure that separate sewage disposal systems/onsite wastewater treatment systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the permit and/or similar provisions in successor permits.
- (2) To protect from further degradation those waterbodies located in the New York City East-of-Hudson Watershed by the New York State Department of Environmental Conservation (NYSDEC), by reducing phosphorus loading in the East-of-Hudson Watershed through the required periodic pumpout and visual inspection of all individual subsurface sewage disposal systems (SSDS) located on properties which are located within the New York City East-of-Hudson Watershed.
- (3) The maintenance of septic systems on a regular basis will benefit residents by establishing a record of maintenance performed on each septic system. The maintenance will tend to provide a septic system that remains adequately functional for a longer period of time as opposed to a septic system with no maintenance.
- (4) To identify failing septic systems, or the prevention thereof before they become a significant threat to the public health and/or the environment.
- (5) This article is not meant to replace the regulatory requirements of the Dutchess County Department of Health and/or the Dutchess County Sanitary Code.

B. Definitions and acronyms.

- (1) As used herein, the following terms shall have the following meanings:

FACILITY

All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

A system of piping, tanks or other subsurface facilities serving any premises or having a flow rate of less than 1,000 gallons per day. The system generally includes a septic tank

and absorption fields but may also include any system permitted under the Dutchess County Sanitary Code and Part 75A of the New York State Sanitary Code.

INDUSTRIAL

Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

LOT

A parcel of land bearing a tax grid designation on the Town of East Fishkill Tax Map. Said tax map is prepared and maintained by the Dutchess County Real Property Tax Service Agency. Said tax maps includes all residential, commercial and industrial parcels.

NEW YORK CITY EAST-OF-HUDSON WATERSHED

A watershed serving as a public water supply for New York City. Its limits are generally shown on the map provided within Municipal Separate Storm Sewage System (MS4) NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit No. GP-0-10-002. The limits are more specifically provided on maps located in the Town of East Fishkill Planning and Building Departments.

OWNER

Any person who has legal or equitable title to a property or facility.

PERSON

Any individual, public or private corporation, political entity, agency, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity whatsoever.

RECORDS

Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, photographs and inspection reports. For the purposes of this article, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

SEPTAGE

The contents of a septic tank or other separate sewage disposal system/onsite wastewater treatment system which receives sanitary sewage waste.

SEPTIC CONTRACTOR

A contractor registered with the NYSDEC to haul residential septage, also known as a "registered waste transporter."

SEPTIC SYSTEM

The common name for an individual subsurface sewage disposal system (SSDS), also known as an "individual subsurface treatment system" (SSTS).

SEPTIC TANK

An underground receptacle (typically concrete) for wastewater from a residential or commercial property. The bacteria in the sewage decompose the organic wastes, and the sludge settles to the bottom of the tank. The effluent flows out of the tank into the ground through drains.

STATE

The State of New York.

TOWN

The Town of East Fishkill as incorporated in 1849.

- (2) As used herein, the following acronyms shall have the following meanings:

CEO

Code Enforcement Officer.

CO

Certificate of occupancy.

EOH

New York City East of Hudson Watershed.

DCDH

Dutchess County Department of Health.

MS4

Municipal separate storm sewage system.

NYSDEC

New York State Department of Environmental Conservation.

NYCDEP

New York City Department of Environmental Protection.

SMO

Stormwater Management Officer.

SPDES

State pollutant discharge elimination system.

SSDS

Subsurface sewage disposal system.

§ 152-17. Specific requirements.

A. Required maintenance.

- (1) The owner of each lot located within the EOH watershed which contains one or more septic systems shall have the system(s) pumped, cleaned and visually inspected by a registered waste transporter in a manner sufficient to enable the registered waste transporter to furnish the information as required in this article.
- (2) The septic system is required to be pumped, cleaned and visually inspected at least once every five years.

B. Implementation.

- (1) Beginning on May 1, 2011, the owner of any parcel located within the Town of East Fishkill which relies upon a separate sewage disposal system/onsite wastewater treatment system for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, with respect to any building or structure thereon, shall cause an inspection to be preformed on said separate sewage disposal system/onsite

wastewater treatment system at a frequency as required by the permit and/or successor permits.

- (2) Within 60 days following the adoption of this article, the Town shall identify each lot to which this article shall apply on the date of its adoption, and shall in writing notify the owner of each such lot by registered mail to include a copy of the Town of East Fishkill Septic System Data and Inspection Form. Said inspection form will also be available at the Town of East Fishkill Town Hall upon request.
- (3) Those lot owners now or hereafter subject to this article whose septic systems have been pumped within 24 months prior to the date upon which this article shall take effect in respect to said lots shall be exempt from this article's initial application to said lots pursuant to § 152-18C(1). To qualify for said initial exception, said lot owners must provide to the Town of East Fishkill SMO or CEO, within 90 days following the date upon which this article shall take effect in respect to said owners lot, a copy of a paid receipt containing the information specified in § 152-17C(1) hereof (except tax lot grid number, which the owner may enter upon said receipt), which receipt shall confirm the pumpout of the septic tank of said owner's septic system within the preceding twenty-four-month period.

C. Compliance confirmation.

- (1) Upon completion of a septic system pumpout and visual inspection performed by a registered waste transporter, each lot owner shall, within 30 days following said pumpout and visual inspection, provide the Town of East Fishkill SMO or CEO with a copy of a paid receipt and a completed Town of East Fishkill Septic System Data and Inspection Form endorsed by said registered waste transporter. Said Town of East Fishkill Septic System Data and Inspection Form shall contain the following:
 - (a) The property owner's name;
 - (b) The property owner's street address;
 - (c) The property owner's tax grid ID number;
 - (d) Property type;
 - (e) The pumpout and inspection date;
 - (f) The components serviced;
 - (g) The type of component;
 - (h) The septic tank capacity;
 - (i) The type of septic tank;
 - (j) The approximate number of gallons of septage pumped from the system;
 - (k) The approximate percentage of sludge layer;
 - (l) A documented visual inspection of the inlet and outlet;
 - (m) The structural integrity of the septic tank;
 - (n) A documented visual inspection of the ground condition in the area of the absorption fields; and
 - (o)

Any other information or comments as provided on the Town of East Fishkill Septic System Data and Inspection Form. Said inspection form may be revised by action of the Town of East Fishkill Town Board at their discretion.

- (2) Duplicate copies of the receipts and Town of East Fishkill Septic System Data and Inspection Form as specified above shall be retained by the lot owner for a period of five years, and a copy shall be provided to the Town of East Fishkill SMO or CEO upon request.
- (3) Duplicate copies should be reviewed by the Town of East Fishkill SMO or CEO.

§ 152-18. Enforcement; penalties for offenses; exceptions; new systems.

A. Septic system failure.

- (1) If a pumpout and visual inspection concludes that the septic system deems a "detailed investigation needed," and therefore cannot meet the requirements of Section 19.7 of the Dutchess County Sanitary Code, upon notification by the Town of East Fishkill SMO or CEO, then the owner shall meet the requirements of Section 19.8 of the Dutchess County Sanitary Code by causing an investigation of the septic system failure to be undertaken with the cooperation of the DCDH within sixty (60) days of the date of the notification. Evidence of said investigation in the form of a letter from a contractor or a New York State licensed Professional Engineer (P.E) And a completed Town of East Fishkill Subsurface Sewage Disposal System Investigation and Remediation Form must be submitted to the Town of East Fishkill SMO.
- (2) If the Town of East Fishkill finds that no investigation has begun if the septic system is deemed "detailed investigation needed," the Town of East Fishkill SMO or CEO will further notify the DCDH that a failing septic system condition may exist and request that the DCDH perform an investigation for possible further action as specified in the Dutchess County Sanitary Code.
- (3) If the Town of East Fishkill finds that an investigation has begun and has been completed in accordance with Subsection A(1) above, and remediation or repair of said SSDS is recommended, said lot owner shall commence remediation or repair of said SSDS within 60 days, proof of which shall be provided to the Town of East Fishkill SMO and CEO. If the Town of East Fishkill finds that no remediation or repair has begun, the Town of East Fishkill SMO or CEO will further notify the DCDH that a failing septic system condition may exist and request that the DCDH perform an investigation for possible further action as specified in the Dutchess County Sanitary Code.

B. Penalties.

- (1) Violations of the provisions of this article include:
 - (a) Failure to timely perform the inspection and maintenance required by this article.
 - (b) Failure to timely submit evidence of timely inspection and maintenance as required by this article.
 - (c) Failure to timely notify DCDOH and/or to request an investigation by DCDOH when the results of an inspection indicate that the requirements of the Dutchess Sanitary Code cannot be met by the septic systems.
- (2)

In addition to, or as an alternative to, any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$100 annually for conviction of a first offense; for conviction of a second offense, a fine not exceeding \$200 annually; for conviction of a third offense, a fine not exceeding \$300 annually; for a fourth offense, a fine not exceeding \$400 annually; for a fifth offense, a fine not exceeding \$500; which were committed within a period of five years, punishable by a fine not less than \$100 nor more than \$1,500. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each year's continued violation shall constitute a separate additional violation.

C. Excluded properties.

- (1) If only a portion of a lot is located within the EOH watershed, then the owner of the lot may be exempted from this regulation if the existing SSDS is located outside the EOH watershed. If an "as-built" plan of the SSDS exists, said plan shall be provided to the Town of East Fishkill SMO or CEO for a determination. If no "as-built" plan of the SSDS exists, the owner of the lot shall contact the Town of East Fishkill SMO or CEO to conduct an investigation for a determination if said SSDS is located within, or outside of the EOH watershed.
- (2) A letter for exemption from this regulation must be submitted to the Town of East Fishkill SMO. If an owner receives notice that his or her property must have an inspection performed and the owner feels that the notice is in error, the owner may submit information to the SMO to show that no septic system is present.
- (3) The Town of East Fishkill SMO or CEO will prepare a written acknowledgement that the location of the SSDS on the lot is exempted from this regulation.

D. New septic systems. If a septic is installed on a lot, the system must be maintained as described in this article at least once within five years from the date that the DCDOH issues a permit to discharge in compliance with the requirements of this article.