

CAPACITY MANAGEMENT OPERATIONS & MAINTENANCE

LOCAL LAW



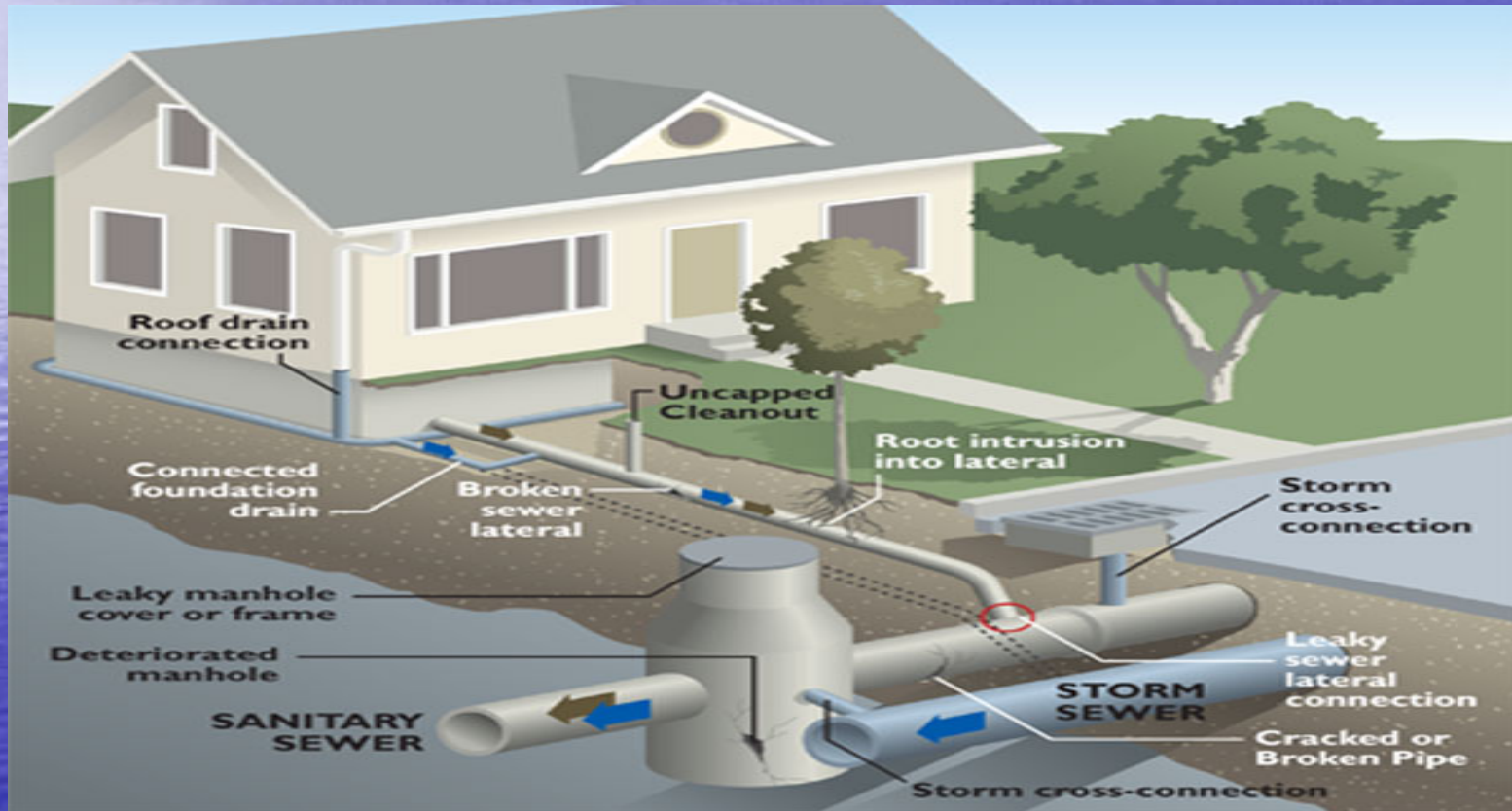
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County Executive

Issues Created by Inflow/Infiltration

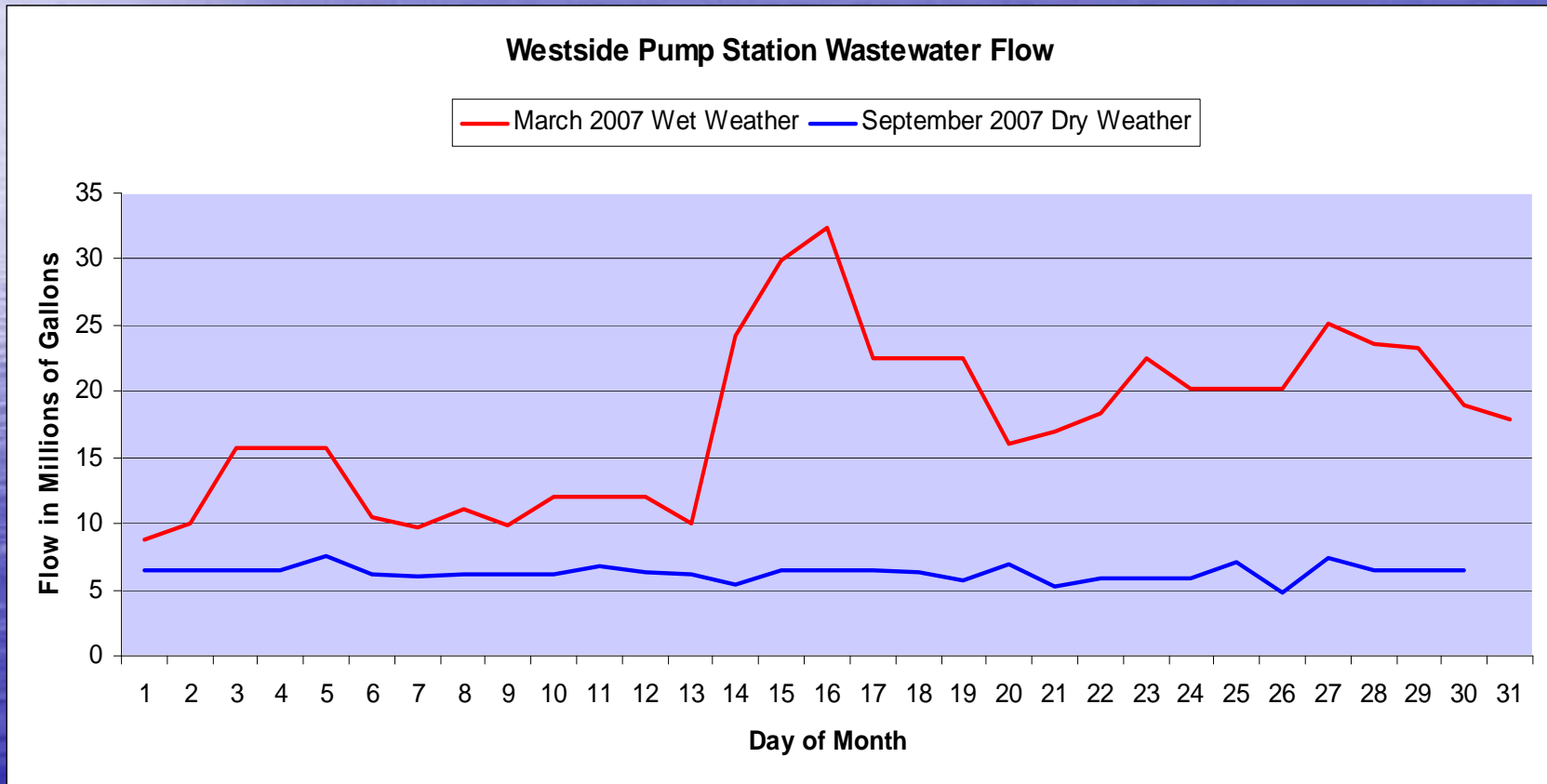
- Creates sanitary sewer overflows in the environment which is prohibited by New York State Conservation Law and can result in fines and penalties
- Uses capacity within the sewer system that can be used for economic growth
- Results in the conveyance and treatment of clean groundwater



Sources of Inflow and Infiltration



Impacts of Inflow/Infiltration



Goals of Law

- Protect public health
- Assure that current and future development is not impeded by capacity or lack of adequate maintenance
- Promote compliance with environmental laws
- Assure maintenance of wastewater capacity throughout the District

Approach

- Fosters cooperation between all levels of municipal government, property owners and developers
- Commissioner given no additional authority beyond that already granted by State law or regulation

Impact upon Municipalities

- Land use control and project approval authority remains unaffected
- Establishes a formal mechanism to coordinate project review and approval with DWEPP
- Formally incorporates wastewater/stormwater considerations in project review and approval process

Specific Requirements

- Subject to a limited waiver, incorporates and builds upon the current prohibition of connection of stormwater and/or groundwater sources into any sewer owned by the Sanitary District or which is tributary to a sewer owned by the District
- Subject to a limited waiver

Limited Waiver

The Commissioner may grant a waiver if applicant establishes that:

- Compliance would cause undue hardship
- Other factors exist that would render compliance unreasonable
- Waivers are subject to conditions and restrictions necessary to minimize the adverse affect of any waiver upon District facilities
- Ensure that any waiver is consistent with the purposes of the Local Law

Inspection & Enforcement

- Revitalizes and strengthens current requirements mandating disclosure and disconnection of prohibited connections
- Makes disclosure and disconnection requirements applicable district wide except in areas currently served by combined sewers
- Prohibits any new connections of stormwater, ground water and other non-sanitary or wastewater connections
- Provides for enforcement

Compliance Incentives

The Commissioner may recommend and the Legislature may approve programs of public works that could include financial assistance IF:

- Home built before 1979
- Capacity problems exist in a particular service area
- Capacity problems can be cost effectively abated by removing sources of stormwater and groundwater from residential dwellings, other than multiple dwellings

Compliance Incentives

To provide assistance the Legislature must determine after a hearing that:

- Financial assistance furthers a public purpose
- A benefit to private property is incidental to public purpose or benefit
- Providing such assistance as part of a program of public works is cost-effective

Settlement of Claims

- If a claim is paid after investigation or adjudication for a residential basement backup of sewage owner must take measure to prevent a re-occurrence
- Commissioner may deny any future claim and/or plead as a defense owner's failure to install protective measures

Coordination

- Require submission by municipalities within the District of development and/or redevelopment plans to the Commissioner prior to municipal approval
- Requires that recommendations by the Commissioner with respect to stormwater and wastewater collection be made conditions of approval
- Provides for enforcement of this condition

Standards

- Provides an outline of general requirements applicable to wastewater related Construction and maintenance
- Outlines requirements to prevent sewer capacity problems
- Authorizes the County Executive to enter into inter-municipal agreements that will assure that maintenance and operation of publicly owned sewers owned by municipalities within the District conform to the provisions of the Law