

STATE OF NEW YORK

7538

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. SILLITTI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the public authorities law, in relation to the septic system replacement and sewer connection fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1285-u of the public authorities law, as added by
2 section 9 of part T of chapter 57 of the laws of 2017, paragraph (a) of
3 subdivision 2 and subdivision 3 as amended by chapter 363 of the laws of
4 2017, is amended to read as follows:

5 § 1285-u. Septic system replacement and sewer connection fund. 1.
6 Definitions. For purposes of this section:

7 (a) "Cesspool" means a drywell that receives untreated sanitary waste
8 containing human excreta, which sometimes has an open bottom and/or
9 perforated sides.

10 (b) "Fund" means the state septic system replacement and sewer
11 connection fund created by this section.

12 (c) "Participating county" means a county that notifies the corpo-
13 ration that it seeks authority to administer a septic system replacement
14 and sewer connection program within its municipal boundaries and agrees
15 to abide by the program's goals, guidelines, eligibility requirements
16 and reimbursement procedures and provide information to property owners
17 regarding program parameters including eligibility criteria.

18 (d) "Septic system" means a system that provides for the treatment
19 and/or disposition of the combination of human and sanitary waste with
20 water not exceeding one thousand gallons per day, serving a single
21 parcel of land, including residences and small businesses.

22 (e) "Septic system project" means the replacement of a cesspool with a
23 septic system, the installation, replacement or upgrade of a septic
24 system or septic system components, or installation of enhanced treat-
25 ment technologies, including an advanced nitrogen removal system, to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 significantly and quantifiably reduce environmental and/or public health
2 impacts associated with effluent from a cesspool or septic system to
3 groundwater used as drinking water, or a threatened or an impaired
4 waterbody.

5 (f) "Small business" means any business which is resident in this
6 state, independently owned and operated, not dominant in its field, and
7 employing not more than one hundred individuals.

8 (g) "Sewer connection" means the piping connecting a residential home
9 to a municipal sewer system and equalization fees associated therewith.

10 2. (a) There is hereby created the state septic system replacement
11 and sewer connection fund, which shall be administered by the corpo-
12 ration to reimburse property owners or at the written request of a prop-
13 erty owner, the septic system installer contracted by the property
14 owner, for up to fifty percent of the eligible costs incurred for eligi-
15 ble septic system projects or residential sewer connection projects,
16 provided that no property owner shall be reimbursed more than ten thou-
17 sand dollars and no septic system installer may be reimbursed more than
18 ten thousand dollars per property.

19 (b) Eligible costs include design and installation costs, and costs of
20 the system, system components, or enhanced treatment technologies, but
21 shall not include costs associated with routine maintenance such as a
22 pump out of a septic tank and sewer connection costs.

23 (c) The department of environmental conservation, in consultation with
24 the department of health and participating counties, shall from the list
25 of participating counties establish priority geographic areas and, in
26 the absence of county information, identify eligible septic system
27 projects or residential sewer connection projects, based on an area's
28 vulnerability to contamination, including the presence of a sole source
29 aquifer, or known water quality impairment, population density, soils,
30 hydrogeology, climate, and reasonable ability for septic system projects
31 to mitigate water quality impacts. The department of environmental
32 conservation may delegate to a participating county the identification
33 of priority geographic areas. The department of environmental conserva-
34 tion, in consultation with participating counties in which priority
35 areas have been identified, shall determine the amount of money from the
36 fund to be provided to each participating county based on density,
37 demand for reimbursement from the fund and the criteria used to estab-
38 lish the priority geographic areas. The corporation shall publish
39 information, application forms, procedures and guidelines relating to
40 the program on its website and in a manner that is accessible to the
41 public.

42 (d) The corporation shall provide state financial assistance payments
43 from the fund, from moneys appropriated by the legislature and available
44 for that purpose, to participating counties to administer a septic
45 system replacement and sewer connection program to support [~~septic~~
46 ~~system~~] projects within their municipal boundaries undertaken by proper-
47 ty owners within their municipal boundaries. Where such project is
48 located in a priority geographic area identified by the department of
49 environmental conservation as threatened or impaired by nitrogen,
50 including groundwater used as drinking water, such septic system project
51 must reduce nitrogen levels by at least thirty percent.

52 (e) The corporation shall make payments monthly to a participating
53 county upon the receipt by the corporation of a certification from the
54 participating county of the total costs incurred by property owners
55 within its municipal boundaries for septic system or sewer connection

1 projects within its municipal boundaries that are eligible for
2 reimbursement from the fund.

3 3. (a) A participating county shall notify property owners who may be
4 eligible to participate in the program. Determinations of eligibility
5 will be made by the participating county based on the published program
6 criteria and consideration of a property's location in relation to a
7 waterbody, impacts to groundwater used as drinking water, and the condi-
8 tion of the property owner's current septic system as determined by:

9 (i) the county health department official; or

10 (ii) other designated authority having jurisdiction, pursuant to
11 septic inspections required by a municipal separate storm sewer system
12 permit; or

13 (iii) a septic contractor pursuant to the applicable county sanitary
14 code provided, however, in cases where a property owner has authorized
15 in writing such contractor to receive reimbursement directly, additional
16 verification shall be required.

17 (b) An owner of property served by a septic system or cesspool may
18 apply to a participating county on an application substantially in the
19 form provided by the corporation.

20 (c) Property owners in participating counties must have signed a prop-
21 erty owner participation agreement with the county before the start of
22 the design phase to be eligible for reimbursement from the fund. The
23 agreement must be substantially in the form provided by the corporation
24 and include, without limitation, the program's goals, guidelines, eligi-
25 bility requirements and reimbursement procedures.

26 (d) A property owner may apply for reimbursement of eligible costs by
27 submitting to the participating county a reimbursement application,
28 which must include at least:

29 (i) a signed property owner participation agreement;

30 (ii) a completed reimbursement application form substantially in the
31 form provided by the corporation;

32 (iii) any applicable design approval for the septic system project or
33 sewer connection project;

34 (iv) description of all work completed;

35 (v) cost documentation and invoice or invoices for eligible costs; and

36 (vi) any written authorization for a septic system installer to
37 receive reimbursement directly.

38 (e) Participating counties will be responsible for reviewing their
39 property owners' applications and approving, modifying or denying the
40 reimbursement requests as appropriate and issuing reimbursement payments
41 to property owners from financial assistance payments made to the county
42 from the fund.

43 (f) Participation in this program and the receipt of payments shall
44 not prevent participating counties from providing additional reimburse-
45 ment to property owners.

46 (g) Subject to the limitations of paragraph (d) of this subdivision,
47 the county may set graduated incentive reimbursement rates for septic
48 system projects or sewer connection projects to maximize pollution
49 reduction outcomes.

50 4. On or before March first, two thousand nineteen, and annually ther-
51 eafter, the corporation shall submit to the governor, the temporary
52 president of the senate and the speaker of the assembly a report regard-
53 ing the program. Such report shall include, but shall not be limited to,
54 the number and amount of grants provided, the number and amount of any
55 grants denied, geographic distribution of such projects and any other

1 information the corporation determines useful in evaluating the benefits
2 of the program.
3 § 2. This act shall take effect immediately.