

**Joint
Rules and Regulations
of the Suffolk County Sewer Infrastructure Committee and the Commissioner
of the Suffolk County Department of Health Services
for
Residential Innovative And Alternative Onsite Wastewater Treatment System
Grant Assistance Program**

R. 839-1.1 Definitions.

Assignment Agreement – The agreement in the form appended to these rules assigning payment of the Grant funds to the Design Professional and the Manufacturer/Installer of the System, and duly authorized subcontractors.

Charter – The Charter of the County of Suffolk.

Commissioner – The Commissioner of the Suffolk County Department of Health Services.

Department – The Suffolk County Department of Health Services.

Design Professional – A professional engineer or registered architect licensed by the New York State Education Department.

Discretionary Approval – Approval provided by the Committee after its review of a Grant Application with a score less than 60. Such approval to be based on sound environmental reasons.

Final Approval – Approval issued by the Department’s Office of Wastewater Management after the Department has completed final inspection of the installed System and has reviewed the final documents submitted by the Design Professional of record.

Grant – Funding assistance to eligible Property Owners for the design, purchase and installation of an Innovative and Alternative Onsite Wastewater Treatment System.

Grant Agreement – The agreement in the form appended to these rules between the County and the Grant Awardee.

Grant Application – The application in the form appended to these rules submitted by a Property Owner for a Grant to assist with the purchase and installation of an Innovative and Alternative Onsite Wastewater Treatment System.

Grant Awardee – A Property Owner that has been approved for a as set forth in these Rules and Regulations.

Grant Certificate – certificate issued pursuant to Section 839-5 of Suffolk County Local Law No. 15-2017.

Innovative and Alternative Onsite Wastewater Treatment System (or “I/A OWTS” or “System”) – An onsite decentralized wastewater treatment system that meets the requirements and standards for nitrogen removal as set forth in the Sanitary Code.

Manufacturer/Installer – A manufacturer, dealer or seller of innovative and alternative onsite wastewater treatment systems that has been approved for use by the Department in accordance with the Sanitary Code who, in addition, whether directly or through contracted services, provides comprehensive installation and maintenance of such systems in accordance with all state and local laws and regulations.

Party – Any political organization which, at the last preceding election for Governor, polled at least 50,000 votes for candidate for Governor.

Party Officer – A party officer is one who holds any party position or any party office, whether by election, appointment or otherwise, including committee members.

Property Owner – A natural person that is the current owner in fee and occupant of the Residence for which a grant application is made.

Residence – An existing dwelling unit that is constructed on a Residential Parcel and designed for single family occupancy that is owner-occupied as a primary residence.

Residential Parcel – Any parcel located wholly or partially in the County of Suffolk, and may legally be used for permanent residential purposes under the local town or village code, as the case may be, and the Sanitary Code.

Sanitary Code – The Suffolk County Sanitary Code and any duly enacted amendments thereto.

Sewer Infrastructure Committee (the “Committee”) – The Suffolk County Sewer Infrastructure Committee established in accordance with Local Law No. 44-2011.

R. 839-2.1 Residential Program established; I/A OWTS Grant Assistance Program.

A.) The “Residential Innovative and Alternative Onsite Wastewater Treatment System Grant Assistance Program” (the “Residential Septic Incentive Program” or the “Program”) is available to Property Owners meeting the qualifications under Local Law No. 15 - 2017 and these rules for Residential Parcels located within Suffolk County.

B.) The Program shall be administered by the Department consistent with Local Law No. 15 -2017 and these rules.

R. 839-2.2 Funding.

A.) The Commissioner shall submit to the County Executive in each fiscal year along with the departmental estimates of revenues and expenses required pursuant to Suffolk County Charter § C4-5, estimates of revenues and expenses for the Program. Revenue estimates shall be in an amount not less than the amount authorized by Charter § 12-2(D)(3). Revenues appropriated for the Program shall be dedicated to the Program exclusively for Grants.

B.) No Program Grant approved and made to a Grant Awardee shall exceed \$11,000 per Residence.

C.) Disbursement of Grant funds shall be subject to: execution by the County and the Grant Awardee of the Grant Agreement prepared by the Department pursuant to **R. 839.7.1**; execution by the Grant Awardee of an Assignment Agreement prepared by the Department pursuant to **R. 839-8.1** assigning payment of the Grant funds to the approved Design Professional and the approved Manufacturer/Installer of the System, and duly authorized and approved subcontractors, if any; and presentation to the Department of a certificate of installation acceptable to the Department.

D.) Where installation of the System cannot be completed due to no fault of the Grant Awardee, upon application of the Grant Awardee and as determined in writing by the Commissioner and approved by resolution of the Committee, the Commissioner is authorized to allow payment of approved costs actually incurred, or a portion thereof.

R. 839-3. Powers and duties. Reserved.

R. 839-4.1 Grant eligibility; generally.

A.) Upon compliance with all terms and conditions of Local Law No. 15 - 2017 and these rules, Grants may be made to Grant Awardees. A Grant Application shall be submitted by an applicant pursuant to **R. 839-5.1** *et seq.*

B.) An applicant must be a full time resident of the County of Suffolk.

C.) No Grant Application will be accepted from any applicant who is a

(1) current employee of Suffolk County,

(2) an elected official of the State of New York or any political subdivision thereof, or

(3) a Party Officer.

D.) A qualifying Residential Parcel must:

(1) have a valid certificate of occupancy or existing use issued by the pertinent town or village;

(2) be served by an existing septic system or cesspool and is not connected to a public or private sewer or located within an existing or proposed sewer district (including within one of the four project areas included in the “Suffolk County Coastal Resiliency Initiative,” which includes the Forge River Watershed, the Carlls River Watershed, the Connetquot River Watershed, and the Patchogue River Watershed);

(3) not be used as a place of business, other than as a home office which does not allow access to clients, customers or members of the public;

(4) be served by public water. For areas where public water service is not available, the Suffolk County Department of Health Services may obtain and test a water sample to ensure compliance with water quality standards and regulations; and

(5) be a non-rental, single family, owner-occupied year-round primary Residence.

R. 839-4.2 Grant eligibility; financial.

A.) A Grant applicant may be eligible to receive a Grant in an amount up to \$11,000, as determined by the Department or the Committee, as the case may be, where:

(1) the federal adjusted gross income of a Property Owner who is married and filing a joint tax return, is less than \$300,000, or

(2) the combined federal adjusted gross income of a Property Owner who is married and filing individually, is less than \$300,000, or

(3) the federal adjusted gross income of a Property Owner who is not married and filing single is less than \$300,000; or

in an amount up to \$5,500 where:

(1) the federal adjusted gross income of a Property Owner who is married and filing a joint tax return, is \$300,000 or greater but less than \$500,000, or

(2) the combined federal adjusted gross income of a Property Owner who is married and filing individually, is \$300,000 or greater, but less than \$500,000 or

(3) the federal adjusted gross income of a Property Owner who is not married and filing single is greater than \$300,000 but less than \$500,000.

R. 839-4.3 Grant eligibility; location.

A.) Subject to the scoring requirements set forth in **R. 839-4.4**, Grants will be awarded for a qualifying Residential Parcel (as defined in **R. 839-4.1**) in the following order of priority:

(1) A qualifying Residential Parcel located within the Priority Critical Areas (high and medium density residential parcels within the 0 – 2 year groundwater travel time to surface waters as defined in the Suffolk County Comprehensive Water Resources Management Plan or high or medium density residential parcels within 1,000 feet of enclosed water bodies in Suffolk County);

(2) A qualifying Residential Parcel located within Critical Areas (high and medium density residential parcels located within the 2-25 year groundwater travel time to surface waters as defined in the Suffolk County Comprehensive Water Resources Management Plan);

(3) A qualifying Residential Parcel located outside of a Priority Critical Area or outside of a Critical Area.

R. 839-4.4 Grant eligibility; scoring.

A.) After an Application is determined to be complete by the Department, as set forth in R. 839-5.1, each Grant Application shall be scored by the Department. Points are to be awarded as follows:

	POINTS	FACTOR
1. Location Points (will be awarded for A, B <u>OR</u> C, as applicable)		
A.	70	A qualifying Residential Parcel located within the Priority Critical Areas (high and medium density residential parcels within the 0 – 2 year groundwater travel time to surface waters as defined in the Suffolk County Comprehensive Water Resources Management Plan or high or medium density residential parcels within 1,000 feet

		of enclosed water bodies in Suffolk County);
B.	60	A qualifying Residential Parcel located within Critical Areas (high and medium density residential parcels located within the 2-25 year groundwater travel time to surface waters as defined in the Suffolk County Comprehensive Water Resources Management Plan);
C.	50	A qualifying Residential Parcel located outside of a Priority Critical Area or outside of a Critical Area.
2.	30	Replacement of an existing onsite system that has documented catastrophic failure.
TOTAL	100 max	Minimum score of 60 points required to be immediately eligible for grant funding without further review by the Committee.

R. 839-5.1 Application process; generally.

A.) Each Grant Application shall be submitted online through <http://www.ReclaimOurWater.info> or delivered by mail or in person to the Department at the

Suffolk County Department of Health Services
 Septic Improvement Program
 Office of Ecology
 360 Yaphank Avenue
 Yaphank, New York 11980

B.) On a regular basis, the Department will review Grant Applications received to determine whether each is complete. For the purposes of these Rules and Regulations, an Application is complete when:

- i. The Department has received all information and documentation required to be submitted with the Application;

- ii. The Department, upon consultation with the Suffolk County Division of Real Property Acquisition and Management (DRPAM), has verified that the applicant(s) is(are) the owner(s) of the Residential Parcel;
- iii. The Department, upon consultation with the Suffolk County Comptroller or DRPAM, has verified that the Residential Parcel has no outstanding or open real property tax liens;
- iv. The Department has determined that the applicant is not otherwise ineligible for the Grant pursuant to Suffolk County Local Law. No. 15-2017 or these Rules and Regulations; and
- v. For those applications that have received a score of less than 60 points after the scoring process described herein, the application has received the Discretionary Approval of the Sewer Infrastructure Committee pursuant to Section 839-5.1(E).

C.) After the Grant Application is deemed complete by the Department, the Grant Application shall be reviewed and scored pursuant to **R. 839-4.4** by the Department's Division of Environmental Quality.

D.) Grant Applications that receive a combined score of 60 points or more are authorized to be approved by the Commissioner without further action. Grant Certificates will be issued in the order of the highest scoring applications, on a rolling basis, based on the date on which the application is deemed complete, subject to the availability of Program funds. For those applications with the same score, Grant Certificates will be issued in the order in which the applications were received, subject to availability of Program funds.

E.) Grant Applications that receive a combined score of less than 60 points will be referred by the Commissioner to the Sewer Infrastructure Committee for further consideration of Discretionary Approval. If granted Discretionary Approval by the Sewer Infrastructure Committee, the application shall be returned to the Commissioner and the Commissioner shall issue a Grant Certificate in such order as set forth in R. 839-5.1 D.) above.

F.) The Commissioner and the Department shall treat all Grant Applications and supporting documentation regarding income eligibility or other personal information as confidential. The Commissioner and the Department shall not share such information with any other party without prior consent of an applicant.

G.) All Grant Certificates shall be issued by the Commissioner subject to the availability of Program funds. Any Property Owner who is not approved for a Grant award because of the unavailability of Program funds may, upon written request, have his application held for consideration by the Department and/or the Sewer Infrastructure Committee when additional Program funds become available.

H.) Upon issuance of a Grant Certificate, the Department may prepare a Grant Agreement. Grant Agreements shall be executed as set forth in **R. 839-7.1** by the Grant Awardee within thirty (30) days of the date of Grant Certificate.

R. 839-5.2. Application process; construction. Reserved.

R. 839-6.1 Scope of grant; use of funds.

A.) The Grant award shall only be used for the following customary, reasonable and necessary expenses in accordance with the Grant Agreement executed by the County and the Grant Awardee:

- (1) the total cost of the purchase of I/A OWTS materials and necessary components;
- (2) the purchase of electrical components;
- (3) labor costs incurred in connection with installation of the I/A OWTS and any necessary leaching fields and structures,
- (4) a three-year warranty for the I/A OWTS;
- (5) three-years of operation and maintenance of the I/A OWTS purchased through the Manufacturer/Installer;
- (6) excavation and backfilling;

(7) design services including the preparation of a site plan, installation, inspection, as-built surveys, and applicable permitting;

(8) pumping and decommissioning of an existing on-site system.

Customary, reasonable and necessary expenses for a System shall be determined in the Commissioner's sole discretion.

B.) Grant funding is limited to system vendors who have a valid liquid waste license with an I/A OWTS endorsement issued by the Suffolk County Department of Consumer Affairs.

C.) All other costs are to be borne by the Property Owner, including, but not limited to:

(1) irrigation repairs;

(2) post installation design and landscaping;

(3) electrical improvements unrelated to the I/A OWTS; and

(4) any other improvements not permitted in R 839-6.1 (A) necessary for the installation of the System.

R. 839-7.1 Execution of Grant Agreement; Condition of Grant; repayment provisions.

A.) A Grant Agreement shall be executed within thirty (30) days of the date of the Grant Certificate issued under **R. 835-5.1**. If the Grant Agreement is not executed within thirty (30) days, the Grant award may be terminated at the Commissioner's sole discretion.

B.) Prior to installation of a System, the Design Professional employed by the Grant Awardee will notify the Department of the install date as per current Department procedure.

C.) Payment of the Grant pursuant to **R. 839-8.1** to the Design Professional and the Manufacturer/Installer of the System, and duly authorized subcontractors, if

any, may proceed upon issuance of Final Approval by the Department through the Department's Office of Wastewater.

D.) Installation of a System shall be completed within 180 days of the date of execution of the Grant Agreement. In the event the System is not installed and functional within 180 days of execution of the Grant Agreement, the Grant award may be terminated at the Commissioner's sole discretion and the Grant Awardee shall be subject to the Grant repayment provisions of the Program set forth in R. 839.11.1(B).

R. 839-8.1 Authorization of Payment to Design Professional and Manufacturer/Installer.

A.) In accordance with the Grant Agreement, the Grant Awardee shall execute an Assignment Agreement prepared by the Department to assign payment of the Grant Award to the Design Professional and the Manufacturer/Installer of the System.

B.) Upon receipt of Final Approval, the Department shall prepare a voucher to be submitted to Audit and Control for payment to the Design Professional and the Manufacturer/Installer of the System. The voucher shall contain the following:

- (1) Manufacturer/Installer or Design Professional invoice (as applicable) stating the total amount due for work performed and a certification signed by the Manufacturer/Installer or Design Professional (as applicable);
- (2) Assignment Agreement; and
- (3) Signed Final Approval Letter from the Department.

R. 839-9. Authorization for Loan Referral. Reserved.

R. 839-10. No Liability to County. Reserved.

R. 839-11. Miscellaneous.

A.) On a quarterly basis, the Department shall prepare a Program report to be delivered to the Sewer Infrastructure Committee. The report shall include a financial recapitulation of the Program costs, the number and location of septic system upgrades, the types of technologies installed, the design professional utilized and Property Owner comment on the Program. The report will be provided to the Suffolk County Legislature after initial presentment of the report to the Committee.

B.) In the event that a Grant Awardee does not obtain Department Final Approval within 180 days of execution of the Grant Agreement, the Grant Awardee will be solely responsible for paying all costs incurred. The Commissioner may grant an extension to obtain Department Final Approval at his or her sole discretion.

R. 839-12. Exclusions.

A.) No application submitted for a Grant shall be considered by the Commissioner if

- (1) the Residence is a new construction; or
- (2) the Residential Parcel has outstanding or open real property tax liens.

B.) Only one Grant may be approved and made to a Grant Awardee pursuant to this Program.

R. 839-13. Forms. Reserved.

R. 839-14. Authority.

These Joint Rules and Regulations, adopted under the authority of Local Law 15 - 2017, may be amended or repealed from time to time as deemed necessary by the Commissioner or the Committee.

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