

**Joint
Rules and Regulations
of the Suffolk County Sewer Infrastructure Committee and the
Commissioner of the Suffolk County Department of Health Services
for
The Suffolk County 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.

Accessory Apartment- A secondary dwelling unit established in conjunction with and clearly subordinate to the primary dwelling, whether as a part of the same structure as the primary dwelling unit, or as a detached dwelling unit on the same lot.

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 person licensed to practice engineering or architecture in New York State by the State Education Department in accordance with article 145 or article 147 of title VIII of the New York State Education Law, respectively, and who is currently registered with the New York State Education Department.

Design Services – Services provided by a Design Professional for the Design and Permitting of Approved Innovative and Alternative Onsite Wastewater Treatment Systems (I/A OWTS) accordance with SCDHS “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Single-Family Residences” and SCDHS “Standards for Procedures for the Replacement and Retrofits of Existing Sewage Disposal Systems for Single-Family and Other than Single-Family Residences.”

Discretionary Approval – Approval provided by the Committee after its review of a Grant Application with a score less than 70. Such approval to be based on sound environmental reasons.

Environmentally Sensitive Areas - Shall be as defined in Section R. 839-4.3 herein, provided, however, that catastrophic failures and non-catastrophic failures are presumed under these Rules and Regulations to be in an environmentally sensitive area.

Failure, Catastrophic –An existing onsite sewage disposal system that is a structural failure such as a collapsed cesspool or leaching structure which prohibits the sanitary system from accepting sewage from the residence and which cannot be corrected by having the system pumped by a contractor and which represents an immediate public health threat or safety concern, based on the information provided in the Grant Application.

Failure, Non-Catastrophic – An existing onsite sewage disposal system that has documented proof of having to be pumped two or more times a year, wastewater backing up into the dwelling (and which is not determined to be catastrophic failure, as defined herein), wastewater rising to the surface of the ground over or near any part of the existing system, or being a block cesspool without evidence of an immediate public health threat, based on the information provided in the Grant Application.

Grant – County Funding assistance to eligible Property Owners or Qualifying Tenants for the purchase and installation of an Innovative and Alternative Onsite Wastewater Treatment System. In instances where the Department has verified that the property meets the definition of an “LMI Household” additional County Funding may be available to be used towards Design Services.

Grant Agreement – The agreement between the County and the Grant Awardee.

Grant Application – The applications 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 – Property Owner(s) or Qualifying Tenant(s) that have been approved for Grant funding pursuant to Suffolk County Local Law No. 15-2017, as may be amended and set forth in these Rules and Regulations.

Grant Certificate – certificate issued pursuant to Section 839-5 of Suffolk County Local Law No. 15-2017, as may be amended and set forth in these Rules and Regulations..

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 Article 19 of the Sanitary Code and associated Standards.

Inspector Certification – letter issued by the Department stating that Department’s inspection of the installation of the I/A OWTS indicated that the I/A OWTS appears to be installed in conformance with the Department’s “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Single-Family Residences” (latest revision) and/or the Department’s approved permit to construct a sewage disposal system for a single-family dwelling and has been approved for backfilling.

Low-to-Moderate Income (LMI) Household – a residence where the combined gross household income of all of the property owners of the residence is less than or equal to 80% of the most current area median income as established by the United States Department of Housing and Urban Development. Verified LMI households may be eligible for additional County funding including assistance towards design services of an I/A OWTS.

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.

Property Owner – A natural person, firm, partnership, corporation, trust, trustee, association, company or other legal entity capable of owning real property who is the current record owner in fee or qualifying tenant of the residence for which a grant application is made. An owner in fee shall include a fee subject to a life estate.

Qualifying Tenant - A person, firm, partnership, corporation, trust, trustee, association, company or other legal entity capable of owning an interest in real property that is entitled to non-revocable legal possession of the residence for which a grant application is made by virtue of a written lease, judicial decree or equivalent legal instrument and where such person, firm, partnership, corporation, trust, trustee, association, company or other legal entity is solely responsible for the provision, cost, and maintenance of on-site wastewater disposal for the residence for which a grant application is made.

Residence – An existing dwelling unit that is constructed on a residential parcel and designed for, in compliance with the relevant local town or village code or the Sanitary Code, single-family occupancy, two-family occupancy, or single-family occupancy with one accessory apartment.

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” also known as “The Septic Improvement Program”, SIP or the “Program”) is available to Property Owners and Qualifying

Tenants meeting the qualifications under Local Law No. 15 – 2017 , as may be amended and set forth in these Rules and Regulations.

B.) The Program shall be administered by the Department consistent with Local Law No. 15 - 2017, as may be amended and set forth in these Rules and Regulations.

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 \$25,000 per Residence.

C.) Disbursement of Grant funds shall be subject to: execution by the County and each Grant Awardee of the Grant Agreement prepared by the Department pursuant to **R. 839.7.1**; execution by each 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, where applicable and the approved Manufacturer/Installer of the System, and duly authorized and approved subcontractors, if any; and presentation to the Department of a certification of sewage disposal system by installer in such form and with such content as may be 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 , as may be amended and set forth in these Rules and Regulations., 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.) 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. Notwithstanding the foregoing, a qualifying Residential Parcel may, at the sole discretion of the Commissioner, be located in a proposed sewer district where such Residential Parcel is served by an existing septic system or cesspool and there is documentation that such septic system or cesspool has failed or is failing;

R. 839-4.2 Grant eligibility; financial.

A.) Grant applicants of residences, not deemed LMI households, are eligible to receive a grant in the amount of up to \$10,000 towards the purchase and installation of an I/A OWTS. An additional amount of up to \$5,000 is available towards the purchase and installation of a Pressurized Shallow Drainfield (PSD) following the I/A OWTS.

B.) Additional grant funds are available to eligible LMI households as that term is defined in the law and these rules.

(1) 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.

C.) LMI Household Grant Amounts:

(1) Grant applicants of residences deemed LMI households may be eligible to receive a grant towards eligible purchase and installation costs of the I/A OWTS in the amount of up to \$20,000.

(2) Grant applicants of residences deemed LMI households may be eligible to receive a grant for use towards Design Costs of the I/A OWTS in the amount of up to \$5,000.

(3) Grant awards for LMI households shall not exceed \$25,000 in County SIP funds.

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 in Suffolk County with an existing sanitary system that is a catastrophic failure, as defined within these Rules and Regulations;

(2) A qualifying Residential Parcel located in Suffolk County with an existing sanitary system that is a non-catastrophic failure, as defined within these Rules and Regulations;

(3) A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is located within the Priority Critical Areas (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);

(4) A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is located within Critical Areas (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);

(5) A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is 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:

1. Points will be awarded for A, B C, D or E, as applicable		
	POINTS	FACTOR
A.	100	A qualifying Residential Parcel with an application deemed to be a catastrophic failure, as defined herein, which is located within Suffolk County.
B.	90	A qualifying Residential Parcel with an application deemed to be a non-catastrophic failure, as defined herein, which is located in Suffolk County.
C.	8080	A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is located within the Priority Critical Areas (residential parcels within the 0 – 2 year groundwater travel time to surface waters or groundwater priority area 1 as defined in the Suffolk County Subwatershed Wastewater Plan or residential parcels within 1,000 feet of enclosed water bodies in Suffolk County);

D.	70	A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is located within Critical Areas (residential parcels located within the 2-25 year groundwater travel time to surface waters or groundwater priority area 2 as defined in the Suffolk County Subwatersheds Wastewater Plan);
E.	60	A qualifying Residential Parcel with an existing sanitary system that is not a catastrophic failure, or non-catastrophic failure, and is located outside of a Priority Critical Area or outside of a Critical Area (residential parcels located outside of the 0-25 groundwater travel time to surface waters or groundwater priority area 3 as defined in the Suffolk County Subwatersheds Wastewater Plan).
TOTAL	100 max	Minimum score of 70 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, Suite 2B
 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:

- (1) The Department has received all information and documentation required to be submitted with the Application;
- (2) 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;
- (3) 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.

- (4) The Department has determined that the applicant is not otherwise ineligible for the Grant pursuant to Suffolk County Local Law. No. 15-2017, as may be amended, or these Rules and Regulations; and

C.) Grant Scoring

- (1) 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.
- (2) Grant Applications that receive a combined score of 70 points or more are authorized to be approved by the Commissioner without further action, subject to the availability of Program funds.
- (3) 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.
- (4) 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.
- (5) For those applications that have received a score of less than 70 points after the scoring process described herein, the application must receive the Discretionary Approval of the Sewer Infrastructure Committee prior to being issued a Grant Certificate.
 - a. The Commissioner shall refer these applications to the Sewer Infrastructure Committee for Discretionary Approval prior to issuance of a Grant Certificate.
 - b. 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 C. above.

E.) All Grant Certificates shall be issued by the Commissioner subject to the availability of Program funds.

- (1) Any Property Owner who is not approved for a County Grant award because of the unavailability of County Program funds may, upon written request, have his application held for consideration by the Department and the Sewer Infrastructure Committee if/ or when enough additional Program funds become available to cover Grant award in such order as set forth in R. 839-5.1 C. 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.) 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.

H.) Appeals

Where an applicant has been denied or rescinded a Grant, such applicant may appeal such determination by submitting a written appeal letter to the Committee. Such appeal letter must be submitted within ninety (90) days of the date of the written correspondence from the Department and should include all information that may be necessary to conduct a review of the determination. For the purposes of this paragraph electronic mail submissions shall be deemed "in writing."

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 for LMI Households, as may be permitted under the law, 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) Design Services for properties not designated as LMI Households.
 - (2) irrigation repairs;
 - (3) post installation design and landscaping;
 - (4) electrical improvements unrelated to the I/A OWTS;
 - (5) any other improvements not permitted in R 839-6.1 (A) necessary for the installation of the System; and
 - (6) sales tax and permitting fees.

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 Vendor employed by the Grant Awardee will notify the Department and the Design Professional employed by the Grant Awardee 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 twelve (12) months of the date of execution of the Grant Agreement. In the event the System is not installed and functional within twelve (12) months 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 of Payment Agreement prepared by the Department to assign payment of the Grant Award to the Design Professional, I and the Manufacturer/Installer of the System, as may be permitted under the law

B.) Upon receipt of the following documents: (1) Inspector Certification Letter, or Letter in-lieu of Inspector Certification; (2) Certification of sewage disposal system by installer; (3) Signed O&M Agreement; (4) Completed Property Owner Registration Form, the Department shall prepare a voucher to be submitted to Audit and Control for payment to the Manufacturer/Installer of the System.

C.) Upon receipt of the following documents: (1) Final Approval from the Office of Wastewater Management; (2) Certification of sewage disposal system by installer; (3) Signed O&M Agreement; (4) Completed Property Owner Registration Form, the Department shall prepare a voucher to be submitted to Audit and Control for payment to the Design Professional.

D.) 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 Inspector Certification Letter, Letter in-lieu of Inspector Certification, or Final Approval Letter (as applicable) from the Department.

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

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

R. 839-11. Miscellaneous.

A.) The Department shall conduct an annual review of the program and provide an annual report to the County Legislature's Environment, Planning and Agriculture Committee, or any successor committee, no later than March 15 each year, which includes, at a minimum, the following information for the preceding calendar year, broken down by each town and village within the County:

- (1) The number of grant applications received by the Department.
- (2) The number of grants awarded.
- (3) The total amount of grant monies awarded.
- (4) The number of applicants who received enhanced grant amounts.
- (5) The number of IA/OWTS installed, with grant assistance.

B.) In the event that a Grant Awardee does not obtain Department Signed Inspector Certification within twelve (12) months 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 Signed Inspector Certification 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 on vacant land
- (2) the Residential Parcel has outstanding or open real property tax liens.
- (3) The Property is in foreclosure.

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.