Town of Lake George
Chapter 115
Onsite Wastewater Treatment Systems

General References (NEW)

Sewer Districts – See Chapter 136

Subdivision of Land – See Chapter 150

Zoning – See Chapter 175

Article I - General Provisions

§115-1. Title. (NEW)

Chapter 115 shall be known as the "Town of Lake George Onsite Wastewater Treatment System (OWTS) Ordinance."

§115-2. Applicability. (NEW)

Chapter 115 shall apply to on-site wastewater treatment systems serving properties and receiving sewage without the admixture of industrial wastes or other wastes, as defined in Environmental Conservation Law, Section 17-0701, in quantities of less than 1,000 gallons per day. New York State Department of Health, Lake George Basin and applicable New York State Department of Environmental Conservation standards shall be followed for non-residential systems and for residential systems with a design flow of more than 1,000 gallons per day.

§115-3. Scope.

A. Minimum requirements for systems less than 1,000 gallons per day are hereby set forth governing the design, construction, installation, operation and maintenance of on-site wastewater treatment systems, together with procedures relating thereto, in implementation of the Public Health Law and Sanitary Code of the State of New York (NYS 75-A). No person shall construct, alter, enlarge or extend any sewage treatment system contrary to the provisions of these regulations.

B. In the case of a new or existing on-site wastewater treatment system which exhibits evidence of septic system failure, as judged by the Consolidated Board of Health, the rehabilitation and/or reconstruction of the system shall be in compliance with this Chapter.

C. Any extension, addition or alteration to any on-site wastewater treatment system shall be in compliance with Chapter 115.

§115-4. Purpose.

The purpose of the Consolidated Board of Health Regulations is to promote the health, safety and general welfare of the community by the elimination of existing pollution and the prevention of new pollution with control over proposed on-site wastewater treatment systems and the modification of existing on-site wastewater treatment systems in order to ensure adequate protection of water resources.

§115-5. Definitions.

As used in this Chapter 115, the following words or acronyms shall have the meanings ascribed to them unless a contrary meaning is clearly indicated in the content of the chapter. Words not defined in this section shall have the ordinary meaning found in common usage.

APA
The Adirondack Park Agency.

BAFFLE
A flow-deflecting device used in septic tanks to check or inhibit the velocity of a stream of flow or the discharge of floating and suspended solids. See the definition of "sanitary tee."

BUILDING
A structure wholly or partially enclosed with exterior or party walls and a roof, affording shelter to persons, animals or property.

CBOH
The Lake George Consolidated Board of Health.

CENTRALIZED WASTEWATER AND/OR POTABLE WATER SUPPLY FACILITIES
Facilities serving three or more structures.
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COMMUNITY SEWAGE SYSTEM
Any system, whether publicly or privately owned, serving three or more individual premises for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

DISTRIBUTION BOX OR DEVICE
A device used to uniformly distribute sewage to the distribution lines.

DISTRICT
The Lake George Consolidated Health District.

DOMESTIC WASTE
Normal household waste, including waste from garbage grinders and automatic washing machines.

EMERGENCY REPAIRS
Repairs designed to prevent or abate an imminent threat to the public health, safety or welfare, caused or about to be caused by an individual sewage disposal system.

ENFORCEMENT OFFICER
The person appointed by the Town Board whose duty and authority it is to administer and enforce the provisions of an order, with assistance from the Lake George Consolidated Board of Health.

GARBAGE
Organic solid wastes from domestic and commercial preparation, cooking or dispensing of food or from the handling, storage and sale of produce.

GRADE
The slope of a line of pipe, trench bottom or ground surface in reference to a horizontal surface.

GRAVEL

A mixture of mineral soil particles whose individual diameters range from one-fourth (1/4) inch to three inches.

GROUNDWATER

Subsurface water occupying a zone of saturated soil.

HEALTH OFFICER

The duly appointed and acting health officer of the Town of Lake George Consolidated Health District.

INDIVIDUAL SEWAGE TREATMENT SYSTEM

A complete system of piping, tanks or other facilities for the on-site collection, treatment and disposal of sewage and not connected to a community or public sewerage system.

INDUSTRIAL WASTE

Liquid waste, other than domestic waste, resulting from the processes employed in industrial and commercial establishments.

INSPECTOR

A person designated by the Town Board of Lake George to inspect properties which are covered by the regulations of the Lake George Consolidated Health District.

INVERT

The bottommost point of an open conduit or the bottommost point on the inside of a closed conduit.

IN EXISTENCE / EXISTING SYSTEM

With respect to individual sewage disposal systems, that such structure has been substantially commenced or completed.

LGPC

The Lake George Park Commission [Environmental Conservation Law (ECL) § 43-0105].

NYSDEC

The New York State Department of Environmental Conservation.

NYSDOH

The New York State Department of Health.

PARK

The Lake George Park.

PLANNING AND ZONING OFFICE

The Town of Lake George Planning and Zoning Office.

REGULATIONS

The regulations of the Lake George Consolidated Health District as amended from time to time by the Lake George Consolidated Board of Health and adopted by the Town Board.

PERCOLATION

The movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.

PERCOLATION TEST

A standard procedure for testing soil permeability to determine the sewage application rate.

SANITARY TEE

Pipe fitting used in septic tanks to reduce flow velocities so as to increase solids settling in the tank and prevent carry-over of solids.

SEEPAGE PIT

A covered pit with open-jointed lining through which septic tank effluent may seep or leach into surrounding ground.

SEPTIC SYSTEM FAILURE

The condition produced when a subsurface sewage treatment **system** does not properly contain or treat sewage, or causes or threatens to cause the discharge of sewage on the ground surface or into adjacent surface or groundwaters.

SEPTIC TANK

A watertight receptacle which receives any discharge, exclusive of industrial wastes, from the sanitary drainage system of a building or facility. The tank is designed to provide sufficient detention time to segregate and digest solid organic matter and discharge the settled liquid for eventual dissipation into surrounding soils by means of a soil treatment area or a system of open-joint or perforated piping.

SEWAGE

The combination of human and household wastes with water which is discharged to the home plumbing system; the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine or the water-carried waste from any other fixture or equipment or machine.

STATE SANITARY CODE

The Public Health Law and Sanitary Code of the State of New York

SUBSURFACE ABSORPTION SYSTEM

Any system constructed below the surface of the ground, employed to dissipate sewage effluent.

SURFACE WATER BODY

Any lake, pond, river, stream, wetland or an intermittent stream with a defined bed and banks.

TOWN

The Town of Lake George.

TOWN BOARD

The Town Board of the Town of Lake George. .

TOWN CLERK

The Town Clerk

WATERCOURSE

A channel fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a channel, usually flowing in a particular direction (though it need not flow continuously) and usually discharging into some other channel or body of water.

WATER RESOURCES

Sources of water those are used, or potentially useful for potable consumption. This includes but is not limited to, water drawn from private wells, public water systems, and aquifers.

WETLANDS

Any land annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh, which is (i) one acre or more in size, or (ii) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation. Open waters immediately adjacent to *wetlands* and lands entirely surrounded by *wetlands* will be considered part of the *wetlands* if these areas are essential to the preservation of the wetland vegetation.

Article II - Requirements

§115-6. Compliance Required.

The following criteria shall govern the installation of on-site wastewater treatment systems:

A. Installation. On-site wastewater treatment systems, or other private means of wastewater treatment, shall not be approved where a public sewer system, such as a municipal wastewater treatment plant and collection system, is available. All sewage treatment systems shall be discontinued when public sewers are made available. The treatment of industrial waste shall be in accordance with the regulations of the NYSDEC and the District.

B. Design. The design of the sewage treatment system shall take into consideration location with respect to wells, surface water bodies, topography, water table, soil characteristics, percolation rate, wastewater flows, area available and maximum occupancy of the building.

C. Type of system. The type of system to be installed shall be determined on the basis of location, soil permeability and groundwater conditions, including, but not limited to, depth to the seasonal high groundwater, and bedrock.

D. Sewage. The system shall be designed to receive and treat all sewage from the building or buildings, including wastes from garbage grinders and automatic washing machines. Drainage from basement footings or from roofs shall not enter the system. Industrial wastes shall not be discharged into the individual sewage treatment system when their introduction would interfere with proper operation of the system.

E. Site Requirements (APA Q4).

1. Conventional Systems. The following criteria for conventional systems must be evaluated for all new on-site wastewater treatment systems. The CBOH and/or the Planning and Zoning Office have the ability to vary/waive these standards as necessary. Additionally, 100% replacement areas for soil treatment areas may be considered.

    a. Conventional Trench (including gravelless systems)
        i. Depth to seasonal high groundwater minimum 48 inches.
        ii. Depth to bedrock minimum 72 inches.
        iii. Slope equal to 15% or less.
        iv. Percolation rate of one to sixty minutes per inch.
        v. Trenches are constructed wholly within the existing native soil.
    b. Conventional Absorption Bed
        i. Depth to seasonal high groundwater is minimum 48 inches.
        ii. Depth to bedrock minimum 72 inches.
        iii. Slope equal to 8% or less.
        iv. Percolation rate of one to thirty minutes per inch.
        v. Beds are constructed wholly within the existing native soil.
    c. Conventional Shallow Trench
        i. Depth to seasonal high groundwater minimum 24 inches.
        ii. Depth to bedrock minimum 48 inches.
        iii. Slope should be 8% or less, with a maximum of 15% or less.
        iv. Percolation rate of one to sixty minutes per inch.
        v. Trenches are constructed with the bottom of the trench within

the existing native soil.

2. Deep-hole test pit requirements:
   a. At least one deep-hole test pit is required for each proposed system.
   b. Deep-hole test pits must be described by a qualified soil evaluator.
   c. Minimum depth of deep-hole test pit is 6 feet.
   d. Sewage treatment systems are not allowed on sites where the natural soil materials have been disturbed by excavation, removed or covered by more than 12 inches of fill.
   e. In areas that have percolation rates faster than 10 minutes per inch and overlie primary and principal aquifers as defined by NYSDEC, the absorption system design may need to be modified to provide enhanced treatment.

3. Soil treatment area (STA) slope calculation:
   a. Maximum slope allowed is 15% where slopes are calculated as the ratio of the maximum vertical rise or fall of the land in 50 feet of horizontal distance, measured across the absorption field and expressed as a percentage.

4. Soil percolation rates:
   a. Percolation rates must be one to sixty minutes per inch.
   b. Percolation rate of zero to one minute per inch is not suitable for subsurface absorption systems unless the soils are amended and the site is modified by blending with a less permeable soil to reduce the infiltration rate throughout the area to be used (Appendix 75-A Soil and Site Appraisal).
   c. Percolation rate of one to three minutes per inch requires the separation distance from waterbodies to be 200 feet unless soils are amended and the site is modified by blending with a less permeable soil to reduce the infiltration rate throughout the area to be used (Appendix 75-A Soil and Site Appraisal).

5. Piping distances:
   a. No piping a distance of 250 feet or more.
   b. No piping across wetlands, waterbodies, right-of-ways, property lines or soils with any limiting feature.

6. Alternative systems:
   a. If unable to comply with 115-6(E) 1, alternative systems, as defined in NYSDOH Appendix 75-A standards for Alternative Systems may be considered upon review by the Consolidated Board of Health if the minimum site requirements on individual parcels cannot be met for pre-existing lots, vacant lots permitted prior to the effective date of this Chapter, or the replacement of lawfully existing on-site wastewater treatment systems installed prior to the effective date of this Chapter. A separate approval from NYSDOH for an alternative system may also be required.

F. Elements of on-site wastewater treatment systems:

1. House sewer; collecting sewers and related components.
2. Septic tank or other type of approved treatment method.
3. Wastewater distribution device such as a distribution box or dosing chamber
4. Subsurface effluent treatment system or approved enhanced treatment unit (ETU).

G. Only wastes from plumbing fixtures shall be connected to the sewage treatment system. Stormwater control devices, including roof, cellar, foundation, yard and road drainage, shall not only be directly excluded from the sewage treatment system, but shall be disposed of so that they will not adversely affect the system. Disposition of stormwater in proximity to treatment systems shall be satisfactory to the CBOH.

H. Backwash from water softeners shall be kept out of the sewage system. Backwash may be discharged into pits or trenches located downgrade and at least 250 feet from any well or water supply.

I. Drawings. The pictorial representation of the projects discussed in these regulations is one of the most important aspects of the review of these projects. Therefore, it is important that engineering plans be presented in such a way as to make their detailed review as expeditious as possible. All plans must be prepared by or under the supervision of a New York State licensed design professional, e.g. NYS licensed professional engineer, NYS licensed architect, or exempt licensed land surveyor, and shall:

1. Measure a maximum of 24 inches wide by 36 inches long.

2. Each sheet should be numbered 1 of 3, 2 of 3, and so forth, and bear the seal and signature of the project engineer.

3. Be oriented so that North is generally at the top of the sheet.

4. Have a plan title box located, if possible, in the lower right hand corner with a four-by-seven-inch space reserved over it for an approval stamp.

5. Be folded so that the title box is visible whenever possible.

6. Contain a location sketch which identifies the general location of the site showing major streets in the area.

7. Contain a plot plan drawn to scale. All information necessary to properly describe the sewage treatment facility must be included. For lots of realty subdivision which are not rectangular, the typical plot plan should be shown for the lot with the smallest street frontage. As a minimum, the items listed below must be included. Other items may be required. Include the following items:
   a. Property lines.
   b. Lot dimensions.
   c. Existing and proposed easements.
   d. Topography including the original and final elevations.
   e. Street grades and distances from the nearest corner indicating street names.

f. Existing and proposed structures.
g. Water service lines.
h. Proposed sewage treatment facilities.
i. Storm drainage facilities.
j. Rock outcroppings.
k. Driveways, walkways and other paved areas.
l. Water wells within 200 feet of the proposed sewage treatment facility.
m. The names of all abutting property owners shall be clearly shown on the plans, as well as rights-of-way that go through the area proposed to be subdivided.
n. For realty subdivisions, the maximum allowable number of bedrooms per lot.

8. Contain plan and section views for all individual components of the sewage treatment facility. The views should be drawn to scale and contain sufficient detail and dimensioning to identify clearly and completely the proposed construction. The piping into and out of components should be shown and specified, and invert elevations where piping enters and leaves components should be specified along with the proposed piping pitch between components.

9. Contain the log, location and soil rate of all test holes.

10. Detail the design criteria and calculations used in establishing design flow and component sizing

11. Include the following notes as detailed below on Page 1 of the Plans:

Approval of plans and acceptance by the Planning and Zoning Office or the CBOH of an on-site wastewater treatment system herein described does not constitute a guaranty of the system's design, adequacy or structural stability by the Planning and Zoning Office or the CBOH, including but not limited to any of its members or agents. Submissions are examined only for review of processes utilized and general conformance with regulations; and the Planning and Zoning Office or the CBOH review does not relieve the design engineer of his responsibility for the system's adequacy and details of design.

I certify, as design engineer, that the construction of all facilities shown on these plans, including but not necessarily limited to all component parts of the system, all excavation, construction, and backfilling, will be inspected by a professional engineer from this firm, and I shall certify to the Lake George Consolidated Board of Health, following completion of construction, that all facilities have been constructed in accordance with the approved plans and in conformance with best practice and construction standards.

Name and Seal of Professional Engineer Date

If there is any change or changes in the project or the use or occupancy of the entity served by facilities shown on the plans submitted herewith which may cause a change in the strength or volume of the wastewater or quantity or quality of water utilized, the owner shall notify the Lake George Consolidated

Board of Health, and appropriate plans addressing the change or changes shall be submitted for review.

Owner Date

12. When plans are revised and/or reissued under a subsequent date or dates, state the nature of all revisions enacted.

§115-7. Change in Use of or Alterations to Premises.

The owner, lessee or occupant of any premises is responsible to notify the Planning and Zoning Office of any modifications of the premises, including, but not limited to, a use change or other alteration, that will result in a change in the type or quantity of wastewater discharged from said premises.

Article III – Inspections and Maintenance

§115-8. Inspections and Maintenance.

A. Any officer or duly authorized agent of the Planning and Zoning Office and the CBOH may make such inspections as are necessary to determine satisfactory compliance with these regulations. An owner or occupant of the property has the right to deny or allow said access to the property at their discretion, for the purpose of making such inspections as necessary.

1. The CBOH reserves the right to conduct such tests and inspections as it deems necessary to ensure new or altered on-site wastewater treatment systems are constructed, operated and maintained in accordance with applicable codes, approved plans, specifications and good engineering practice. These tests and inspections may include, but are not limited to, materials inspection, inspection of installation procedures, exfiltration, infiltration, air or water pressure tests of conduits, equipment tests, flow measuring and metering.

2. As a condition of approval of any onsite wastewater treatment system for multiple residences, commercial premises and subdivisions, the Board reserves the right to require the following, at its option, when and if it is deemed advisable:
   a. The CBOH may require the installation of groundwater monitoring wells in areas adjacent to the projects effluent treatment area.
   b. If wells are to be installed, the CBOH may decide the best locations where wells should be installed, the type of wells to be utilized, depth to which wells will be placed, and may supervise the installation.
   c. The CBOH will, at its discretion, periodically have samples of water collected from these wells and undertake laboratory analysis of samples performed to ascertain the quality of the groundwater. If the analysis of the well water samples show an increase in water pollution above the quality of water samples taken prior to the construction of these sewerage facilities and related appurtenances, the CBOH can require the developer or entity responsible for the operation and maintenance of any centralized wastewater facilities serving this

development to undertake necessary measures to cease the pollution and return the quality of the groundwater to its initial status.

d. The developer or entity responsible for the operation and maintenance of the wastewater facility shall bear all costs associated with, but not limited to, the furnishing, installing, supervision, collecting, and testing of water samples and reports associated with this undertaking, as well as all costs pertaining to any and all corrective measures required.

e. Parameters of testing shall include, but not necessarily be limited to:

i. Temperature.
ii. Coliform, total and fecal.
iii. Dissolved oxygen.
iv. Total dissolved solids.
v. Nitrite as N.
vi. Nitrate as N.
vii. Ammonia.
viii. Chlorides.
ix. Phosphate, total and soluble.
x. pH.

The frequency of testing will be established on a case-by-case basis.

B. Maintenance of septic tanks.

1. Septic tanks protect the absorptive ability of the soil. Without a septic tank, the soil will clog. Therefore, it is very important that the effluent from the septic tank which percolates into the ground contain minimum amounts of suspended solids. To secure optimum conditions and to prevent complete abandonment of the existing effluent treatment area and construction of a new effluent treatment area involving great expense (sometimes there will not be sufficient land available for a new effluent treatment area), it is extremely important that a septic tank be pumped out before too much sludge and scum accumulate.

2. The recommended septic tank sizes serving single-family residences should give about three years of satisfactory operation before cleaning becomes necessary. However, since there are wide differences in the rate that sludge and scum will accumulate from one tank to another, it is recommended that the tank be inspected once a year during the first few years of operation and later at greater intervals, depending upon the information obtained. It should be remembered that while one family may be required to clean its tank once every three to four years, another family of equal size may find it necessary to clean a similar tank every two years. Furthermore, the amount of sludge and scum accumulation from the same family may vary from year to year.

3. Periodic inspection of the tank is recommended to determine the need for cleaning. Money can be saved by avoiding the expense of unnecessary tank pumping and the expense of rehabilitating clogged effluent treatment areas by pumping when needed. However, as a rule of thumb (without prior inspection), the tank may be cleaned every three years, if the tank size is adequate for the size of the family and for appliances such as garbage grinders. If the tank is undersized due to poor design or an increase in loading, it may have to be cleaned every one or two years. To be certain, measure the

accumulation of sludge and scum every one or two years.

4. During the inspection, measure the depth of sludge and scum in the vicinity of the outlet baffle or sanitary tee pipe. The tank should be pumped out if either:
   a. The bottom of the floating scum mat is within three inches of the bottom of the outlet device (baffle or tee); or
   b. When sludge exceeds one-third ([1/3) the liquid depth of the tank.
   c. Scum can be measured with a six-foot stick to which a weighted flap has been hinged or any device that can be used to determine the bottom of the scum mat. The stick is forced through the mat, the hinged flap falls into a horizontal position and the stick is lifted until resistance from the bottom of the sum is felt. With the same tool, the distance to the bottom of the outlet device can be found.
   d. Sludge can be measured with a sludge sampler or long stick wrapped with rough, white toweling and lowered into the bottom of the tank. The stick should be lowered behind the outlet device (baffle or tee) to avoid scum particles. After several minutes, if the stick is carefully removed, the sludge line or mark can be distinguished by sludge particles clinging to the toweling.
   e. Cleaning is usually accomplished by pumping the contents of the tank into a tank truck for off-property disposal. Septic tanks should not be washed or disinfected after pumping. Pumping out of septic tanks should be performed by New York State Department of Environmental Conservation licensed haulers.
   f. If the cover and baffles or pipes are not in place and the rest of the tank appears to be satisfactory, they should be replaced. If the tank is cracked and leaking, it should be replaced.
   g. It is dangerous to enter the tank until it has been thoroughly ventilated. Do not discharge large quantities of chemical or oily wastes into a septic tank. Normal use of household detergents and chemicals will not harm the system. Items including, but not limited to, paper towels, newspapers, rags, and diapers should be excluded from the septic tank.
   h. The value of adding disinfectants or other chemicals to improve the operation of septic tanks has not been demonstrated. Generally, addition of chemicals to the septic tank is not recommended. Some products which claim to "clean" septic tanks contain compounds which may provide temporary relief immediately but may also damage the effluent treatment area by clogging soils.

C. Maintenance of soil treatment area (STA).

1. The planting of trees, shrubs, bushes, and other similar vegetation, in close proximity to effluent treatment areas or conduits conveying sewage or effluent should be avoided as this can result in clogging of the system with roots. It is desirable to cover the effluent treatment area with lawn grass. Prevent puddles of stormwater from accumulating on or adjacent to effluent treatment areas by diverting rain and melted snow. Do not build a driveway over an effluent treatment area or run cars, trucks or tractors over it as displacement of grades of lines and breaking of tiles will necessitate digging and resetting or replacing them. Do not use chemicals to clean systems. Be careful that mud or silt does

not enter the system before and after construction by diverting through ditches all surface water. Keep roof, foundation, cellar and garage floor drainage away from effluent treatment areas.

2. To properly maintain the effluent treatment areas and to assure its longer life, pump out the septic tank when necessary. It is better to pump the tank too often than not often enough.

3. The cost of replacement of effluent treatment areas is much greater than the cost of inspection and maintenance of the septic tank. Sometimes it is impossible to abandon a clogged area and replace it because of lack of lot space. Waste brines from household water softener units should not be discharged into onsite, subsurface treatment systems. A separate dry well should be employed for this purpose.

4. It is good practice to show the location of the various units of the onsite wastewater treatment system on a sketch and reference them to permanent land marks. This is best done when the system is under construction and will prove useful in the future when earth-covered units have to be located for maintenance purposes.

Article IV – Administrative Provisions

§115-11. Permit Required.

No person shall construct or alter an onsite wastewater treatment system connected to a private dwelling or occupy a private dwelling within the Town unless a permit from the Planning and Zoning Office has been obtained. Once issued, the permit shall be valid for the entire period of time necessary for each construction or alteration, but shall become invalid if the construction, alteration or use of such system is not completed or used in accordance with the approved plans and with the regulations.

§115-12. Application for Permits; Specifications.

Application for a permit shall be made to the Planning and Zoning Office on a form to be provided by the Planning and Zoning Office. The permit fee shall accompany the application. The application shall include all the material and information required and set forth in the regulations and may be submitted to the Planning and Zoning Office as a single filing or in steps as may be required by the District.

A. Application for a permit to construct, alter,enlarge or extend an individual onsite wastewater treatment system shall be made only by the owner, owner representative or lessee of the property, who shall submit to the Planning and Zoning Office the following information as may be necessary to determine whether the construction, alteration, enlargement or extension will conform to the provisions of these regulations:

1. The name and address of the applicant.

2. The specific location of the property on which the construction, alteration, repair or extension is proposed, including delineation of property lines and location of wells.

3. A complete plan of any existing onsite wastewater treatment system and plan of the proposed treatment system with substantiating data attesting to its compliance with the minimum requirements of the District. All new development within the Town needs an engineered stamped plan for any new onsite wastewater treatment systems. While additions or alternations of existing systems may require the submittal of engineered stamped plans, any repairs or in-kind replacements of OWTS components do not require the involvement of a licensed design professional.

4. Detailed information, on forms furnished by the Planning and Zoning Office, showing the absorptive qualities of the soil involved and a conclusion as to the suitability of such soil for the proposed use thereof. This requirement may be waived if the CBOH has sufficient information to make such determination. The CBOH may require that authorized personnel of the town or village be present during the performance of tests designed to show the absorptive qualities of the soil.

5. Pertinent groundwater and geological data as the CBOH may require.

6. Evidence to demonstrate to the satisfaction of the Planning and Zoning Office that there is no community sewer or other part of a community sewage system within a reasonable distance of such building or premises into which the sewage can be discharged, or that it is impracticable to discharge the sewage concerned into a community sewage system or into the sewer or other facility connecting with such sewage system.

B. Onsite wastewater treatment systems for multiple residences, subdivisions or commercial premises shall be designed, with drawings and specifications signed and stamped, by a professional engineer licensed to practice in the State of New York. Applications for a permit to construct, alter, or extend the above facilities shall be made only by the owner, owner representative or lessee of the property, who shall submit to the Planning and Zoning Office all information listed under **§115-12. A (1)** through **(6)**. In addition to said subsections, the following regulations shall be enforced before a permit is issued:

1. Plans for multiple residences subdivisions or commercial premises that include a design flow of more than 1000 GPD, must be submitted to the New York State Department of Environmental Conservation for review and approval.

2. Plans for individual treatment facilities of multiple residences and subdivisions designed for less than 1000 GPD, or commercial premises using individual onsite wastewater treatment systems designed for less than 1000 GPD must be submitted to the Planning and Zoning Office for review and approval.

3. An environmental impact statement, as defined by the New York State Department of Environmental Conservation, shall accompany applications for approval as required by State Environmental Quality Review Act (SEQRA) and those proposed for areas affecting endangered species.

C. When, upon review of the application, the Planning and Zoning Office is satisfied that the proposed design meets the requirements of these regulations and, in addition, meets the requirements of the NYSDEC as evidenced by the receipt of a certificate from the NYSDEC, a written permit to proceed with construction shall be issued by the Planning and Zoning Office. It is to be noted that this permit (to construct) automatically expires one year after its issuance unless the Planning and Zoning Office grants an extension prior to the expiration date. Existing lots located in approved subdivisions may be re-evaluated on an individual basis for re-approval if a change in design of the original septic system that was approved in the subdivision is necessary. The Planning and Zoning Office, Planning Board and/or the CBOH reserve the option of individual lot septic design re-approval for a specified period of time or to decline re-approval and require a revised submission for septic design of any particular individual lot...

D. When, upon review of the application, the Planning and Zoning Office is convinced that the proposed design does not meet the requirements of these regulations, or soil and geological conditions are such as to preclude safe and proper operation of the desired installation, or the applicant is unable to produce a certificate from the NYSDOH or NYSDEC, a permit to proceed with construction shall be denied.

E. No installation shall be made without a written permit from the Planning and Zoning Office to the owner, owner representative, or lessee of the lot.

F. It shall be the duty of the holder of the permit to notify the Planning and Zoning Office when the installation is ready for inspection. The Inspector may make inspections during construction to determine compliance with these regulations. No part of any installation shall be covered until inspected and given final written approval by the Planning and Zoning Office. Any part of any installation which has been covered prior to final approval shall be uncovered upon order of the CBOH. Final written approval shall not be given until all pertinent data required has been submitted. Upon notification to the Planning and Zoning Office that the installation is available for inspection, the installation shall be deemed approved after three days from date of official notification and may be covered.

G. Following the issuance of a permit to construct an onsite wastewater treatment system, and satisfactory inspections of the installation, the Planning and Zoning Office will issue an occupancy permit for the premises. The premises may not be occupied and utilized until this occupancy permit has been duly issued by the Planning and Zoning Office.

H. Any person whose application for a permit under this section has been denied shall be notified in writing as to the reasons for denial, and such person may, within 30 days after official notification of such action, file a written request for a hearing before the CBOH. Such hearing shall be held within 10 days after the receipt of the request by

the CBOH and upon reasonable notice to the applicant. The CBOH shall affirm, modify or revoke the denial or issue the permit on the basis of the evidence presented at the hearing.

I. Whenever wastewater treatment facilities are, altered, enlarged, expanded or extended, the owner shall submit the existing and proposed sewage treatment facilities plans for approval by the Planning and Zoning Office.

§115-13. Permit fee.

The fee for the permit shall be as set forth from time to time by resolution of the Town Board and on file in the office of the Town Clerk.

A. Application made pursuant to these regulations shall be accompanied by a fee in the amount as set forth by the Town Board, payable to the Town Clerk. In the event that such application is submitted after construction, alteration, or extension has been physically undertaken on the wastewater treatment system, such fee shall be in the amount as set forth by the Town Board which shall be on file in the office of the Town Clerk.

B. Applications made pursuant to these regulations shall be accompanied by the fee in an amount as set forth by the Town Board, payable to the Town Clerk. Special project fees will be charged to those projects utilizing a unique or unusual method of sewage treatment. In addition, a special fee may be required whenever test hole and/or soil evaluation go beyond the normal machine dug test hole.

C. Special consulting fees.

1. The Consolidated Board of Health, in its review of applications, may employ consultants, legal counsel, professional engineers and/or inspection services to provide assistance and advice in the review of any application, including onsite investigations, evaluation and inspection, verification of the adequacy of plans and the sufficiency of submitted reports; study of the impact of proposals upon the resources and environment of the town; preparation and/or review of environmental impact statements; inspection of installed improvements; and such other services or technical assistance as the Consolidated Board of Health deems necessary for its review of the application.

2. All costs incurred for these special consulting services shall be borne by the applicant. As further provided below, a deposit shall be required in advance to cover the estimated cost of these services. This deposit shall be in the amount determined by the Town Board or its duly authorized agent, as sufficient to cover all such special consulting costs. Fees for the preparation or review of environmental impact statements shall be as determined by 6 NYCRR Part 617, adopted pursuant to Article 8 of the Environmental Conservation Law.

3. The deposit due for the special consulting services deemed by the CBOH to be necessary for its appropriate review of any particular application shall be filed

with the application in the Planning and Zoning Office by certified check made payable to the Town of Lake George. An application shall not be deemed complete until the requirements of this section have been complied with.

4. After the CBOH has rendered its decision on any application, the balance of the deposit, if any remains in excess of actual incurred cost shall be returned to the applicant without payment of interest.

5. Payment of any deficiency in the amount of the deposit to cover incurred costs in full shall be a condition to final approval of any application by the CBOH. No final approval shall be signed, stamped, sent or otherwise be valid until and unless such amount is paid.

§115-14. Effect on Other Permits.

Nothing in this article shall limit or otherwise relate to any other permit requirements relating to local use, construction requirements or other legally adopted requirements by any governmental entity having jurisdiction over the area of the Town.

§115-15. Variances.

If an applicant for a permit is unable to meet the requirements set forth in this Chapter for reasons including, but not limited to, insufficient area, separation distances, or an unnecessary hardship that would deprive the owner of the reasonable use of the land involved, the applicant or the applicant's representative may apply to the for a variance. In considering the request for a variance, the CBOH will consider the following criteria that need to be met.

A. That there are special circumstances or conditions, fully described in the findings of the CBOH, applying to such land and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land.

B. That the variance would not be materially detrimental to the purposes and objectives of this Ordinance, or to other adjoining properties, or otherwise conflict with the purpose or objectives of any plan or policy of the Town.

C. That, for reasons fully set forth in the findings of the CBOH, the granting of the variance is necessary for the reasonable use of the land and that the variance as granted by the CBOH is the minimum variance which would alleviate the specific unnecessary hardship found by the CBOH to affect the applicant.

In granting any variance, the CBOH shall prescribe and attach any reasonable conditions that it deems to be necessary or desirable.

Article V – Enforcement

§115-16. Penalties for Offenses.

Any person who constructs an onsite wastewater treatment system connected to a structure without obtaining a permit as required in this article or any person who occupies a private dwelling and alters, enlarges, or expands an onsite wastewater treatment system for which no valid permit exists as required in this Chapter (for each day for each person so charged and convicted and occupying such dwelling) or any violation of this chapter shall be punishable, for each violation, by a fine of not more than $250 or imprisonment for not more than 15 days, or both.

A. In the enforcement of these rules and regulations or of the State Sanitary Code, the CBOH may impose penalties for such violation of, or failure to comply with, any of its orders or regulations not exceeding $250 for a single violation or failure and may sue for and recover it in any court of competent jurisdiction (each day shall be considered a single violation).

B. In addition, the CBOH shall also have the authority to institute any other civil or criminal proceeding in a court of competent jurisdiction which is authorized by the Public Health Law generally, and §§ 12-b, 12-c and 229 of that law specifically, where a violation of law has occurred and penalties may be imposed as provided for by law. If the CBOH or its agent determines that life and health are endangered by the failure or misoperation of an onsite wastewater treatment system subject to these regulations, the CBOH or agent shall order that remedial action be taken by the owner of such system.

C. In addition to other penalties imposed by these regulations and other ordinances, such owner and such property shall be liable for costs of any work performed by any municipal agency to remedy such failure or misoperation.

§115-17. Misrepresentation.

Any permit or approval granted under these regulations which is based upon or is granted in reliance upon any material representation or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This section shall not be construed to affect the remedies available to the CBOH under §115-16 of these regulations.

§115-18. Conflicts; Savings Clause; Repealer.

A. The rules and regulations of the District are designed to promote and protect the general health, safety and welfare of the community. The Town Board, in adopting these rules, is aware of the fact that other governmental units which have similar objectives and authority have adopted laws, rules, and regulations which relate to the same area of concern. Where provisions of these regulations are found to be in conflict with any law, rule or regulation adopted by any appropriate governmental unit having jurisdiction to adopt such law or rule, the CBOH shall determine which imposes the higher standard and shall require compliance with the higher standard. In the event that a dispute arises as to which law governs, the Consolidated Board of Health may make a determination and its determination is final.

B. Savings clause. If a court of competent jurisdiction finds that any section or sections

of these rules and regulations are invalid for any reason, such finding of invalidity shall not affect the remaining sections of these regulations, and they shall remain in full force and effect.

C. Repeal of prior inconsistent rules and regulations. Any rules or regulations adopted by the Town Board which relate to the same matter as those herein enacted are hereby repealed and have no future force and effect. The repeal hereby of any such prior rules and regulations shall in no way affect the past validity of such rules and regulations, and no person shall gain or lose any past rights, duties or obligations existing under the prior rules and regulations.

§115-20. Effective date.

These regulations shall be effective on and after the first day of MONTH DD, 2016.