

SANITARY CODE  
of the  
Cayuga County Health District

Effective January 1, 1965

Cayuga County Health Department  
160 Genesee Street  
Auburn, New York 13021-3424

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Public Health Director

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~~Article III, Section 2(a), amended effective April 27, 1967~~  
~~Article II, Section 5 (b), amended effective April 15, 1970~~  
~~Article III, Section 2(d) & 2(f), amended effective May 15, 1972~~  
~~Article III shall be eliminated effective August 1, 1994~~  
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Revision 11

CAYUGA COUNTY SANITARY CODE

ARTICLE V

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## CAYUGA COUNTY SANITARY CODE

## ARTICLE V

## SECTION I. INTRODUCTION

## A. PURPOSE

The Cayuga County Board of Health is required to protect the health and safety of the people of Cayuga County including public water supplies and is authorized after review and filing with the New York State Department of Health to enact amendments to the Cayuga County Sanitary Code. This Code shall insure that wastes discharged from sewage disposal systems:

1. Do not contaminate any drinking water supply.
2. Are not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water.
3. Do not pollute or contaminate the waters of any bathing beach or stream used for public or domestic water supply purposes or for recreational purposes.
4. Are not a health hazard by being accessible to children and adults.
5. Do not give rise to a nuisance due to odor or unsightly appearance.
6. Will not violate any other laws or regulations governing water pollution or sewage disposal.

## B. AUTHORITY

The authority for these regulations is New York State Public Health Law. Sections 308, 309, 347, 348, 1303, 1304, et al, addresses the Board of Health powers. This article does not apply to those properties using public sewer systems.

### C. APPLICABILITY

1. The design, construction, operation and maintenance of wastewater treatment systems located wholly or partially within Cayuga County, with the exception of municipal owned wastewater treatment plants permitted by New York State Department of Environmental Conservation, shall be subject to the requirements of this article. The requirements of this article are in addition to, and not in lieu of, the requirements for wastewater treatment systems set forth in 10 NYCRR Appendix 75-a of Part 75.
2. Systems located outside Cayuga County shall not be subject to the requirements of this article.
3. Whenever a conflict exists between this article or other provisions of the County Sanitary Code or State Sanitary Code rules and regulations, the more restrictive provisions shall apply.
4. Private surface and subsurface drainage pipes on a parcel of property bordering the mean high-water mark on Owasco Lake and Little Sodus Bay that have the potential to carry wastewater septic tank effluent or contribute to high coliform counts in Owasco Lake and Little Sodus Bay are subject to this article.

### SECTION II. DEFINITIONS

The following terms shall have the stated meanings whenever used in this Article:

1. Absorption device means any structure that is designed to distribute wastewater or effluent into the soil by means of a network of pipes.
2. Absorption field means an area to which wastewater or effluent is distributed for infiltration to the soil.
3. Absorption trench means a long narrow area which includes a pipe for the distribution of septic tank effluent.
4. Base Flow means any visible, sustained, or fair weather run-off.

5. Cleanout means an opening providing access to wastewater treatment systems or components thereof which allows for the cleaning or purging of materials and obstructions.

6. Coliform bacteria - A group of bacteria predominantly inhabiting the intestines of man or animal, but also occasionally found elsewhere. It includes all aerobic and facultative anaerobic, Gram-negative, non-spore-forming bacilli that ferment lactose with production of gas. Also included are all bacteria that produce a dark, purplish-green colony with metallic sheen by the membrane-filter technique used for coliform identification. The two groups are not always identical, but they are generally of equal sanitary significance.

7. Design Average Flow (DAF) - means the highest expected volume of wastewater, expressed in gallons, that will pass through a wastewater treatment system in a twenty-four hour period normally occurring during periods of greatest use.

8. Discharge means the addition of wastewater or effluent onto the ground or into a watercourse of Cayuga County and includes the accidental or intentional spilling, release, leaking, pumping, pouring, emitting, emptying or dumping of wastewater or effluent onto the ground or into a watercourse of Cayuga County.

9. Distribution device means a structure used to informally distribute wastewater to distribution lines.

10. Effluent - Treated wastewater that flows from a septic system or any other treatment process.

11. Emergency repairs means repairs designed to prevent or abate an imminent threat to ground or surface water quality, or the public health, safety or welfare, caused or about to be caused by wastewater.

12. Existing standards means those standards established for existing wastewater treatment systems.

13. Existing system means a system placed in operation, or approved by the Cayuga County Health Department

pursuant to a local sanitary code.

14. Failure or system failure means a wastewater treatment system:

(i) that discharges wastewater onto the surface of the ground or into a watercourse of Cayuga County; or  
(ii) that has sustained a cracked or broken tank, distribution box, leach line or pipe, or has a malfunctioning pump or other component of such system, which causes or is likely to cause pollution of the waters of Cayuga County.

15. Fecal Coliforms - the presence of fecal coliform organisms in a water sample indicates recent and possibly dangerous pollution. Fecal coliforms frequently have been proposed as a more specific and reliable indicator of fecal pollution than the broader coliform group.

16. Final Grade - means the elevation that ground will have at the conclusion of cutting, filling, or other site work.

17. Gravel - means a mixture of mineral soil particles whose individual diameter range from 1/4" to 3".

18. Fill system or cut and fill system means any wastewater treatment system where earth is removed or cut and replaced or filled with a suitable soil.

19. Greywater means household wastewater without toilet wastes.

20. Groundwater means soil moisture occupying a zone of saturated soil.

21. Licensed Design Professional: means a Professional Engineer, Registered Architect, or a Licensed Land Surveyor with an exemption for minor engineering.

22. Mean High Water for Owasco Lake shall be defined as USGS elevation 717.13 ft. Mean High Water for Little Sodus Bay shall be defined as USGS elevation 248.20 ft.

23. Percolation test means a standard Health Department procedure for testing soil permeability to determine the

proper wastewater application.

24. Raised system means any wastewater treatment system involving earth fill above natural existing ground level.

25. Repair means to fix, mend or replace in kind a component or components of a wastewater treatment system without altering its original design or operation.

26. Seepage pit means a covered underground pit with a permeable lining that permits the infiltration of effluent to the surrounding soil.

27. Sewage shall have the same meaning as wastewater.

28. Sewer means a closed conduit or pipe designed to transport wastewater or effluent.

29. SPDES permit shall mean a valid State pollutant discharge elimination system permit issued by the New York State Department of Environmental Conservation.

30. Surface water - see watercourse.

31. System shall have the same meaning as wastewater treatment system.

32. Tributary means a continuously flowing natural stream which empties into the lake.

33. Wastewater means human or household wastes, or combination thereof, with water which is discharged to the home plumbing system, the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, the water-carried waste from any other fixture or equipment or machine, with or without the admixture of industrial waste.

34. Wastewater treatment system means the complete system of piping, tanks or other facilities for the collection, treatment and disposal of wastewater for purposes of this Article of the Sanitary Code shall be the same as Septic Tank System.

35. Watercourse means any surface water path, river, stream, creek, spring, pond, lake, wetland, or natural

or man-made depression that is sustained primarily through base flow, or any water body of any kind designated on the official Cayuga County watershed map prepared by the Central New York Regional Planning and Development Board and filed in the Cayuga County Clerk's Office on May 26, 1994, as Map 94-99. Watercourse shall not include drainage areas which contain water only during and immediately after a rainstorm.

36. Watershed shall mean the entire drainage area contributing to a body of water.

### SECTION III. PROHIBITIONS.

- A. No person shall discharge wastewater within Cayuga County except in accordance with permits issued pursuant to the provisions of this article.
- B. No person shall build, erect, construct, expand, repair, modify, enlarge or convert to another use any structure or system that will or may increase the amount of wastewater that is generated, that is subject to the provisions of this article and involves the discharge of wastewater within Cayuga County without obtaining the requisite approval and permits from the County Health Department.
- C. No person shall operate a wastewater treatment system or occupy a building which is serviced by a wastewater treatment system within Cayuga County when such system discharges wastewater or sewage to the surface of the ground.
- D. Notwithstanding any other provision of this article or any permit issued pursuant thereto, no person shall discharge, cause, or allow to be discharged, sewage or wastewater onto the surface of the ground, or into a watercourse without a permit from the New York State Department of Environmental Conservation.
- E. No owner of any wastewater treatment system shall fail to apply for permits, or to pay fees for

such applications as required by this article in accordance with the schedules herein established.

- F. Any violation of these prohibitions herein is subject to the enforcement provisions set forth in the New York State Public Health Law.
- G. No owner shall maintain a private drainage pipe on their parcel of property bordering the mean high-water mark on Owasco Lake or Little Sodus Bay, that discharges an effluent with a coliform count greater than 200 fecal coliform organisms per 200 milliliters for a single sample.

If test results from the drainage pipe are greater than 200 fecal coliform/100 milliliters, the owner shall have the option of having three additional tests taken within twenty (20) days, and if the average of the three (3) sample results is less than 200 fecal coliform, the drainage pipe shall not be prohibited or require treatment.

When test results from the drainage pipe are greater than 200 fecal coliform/100 milliliters, the lake front owner with the drainage pipe shall not be required to remove the drainage pipe or treat the flow if it can be proven to the satisfaction of the Cayuga County Health Department by laboratory samples that the coliform is not originating from the owner's property or absorption field.

- H. All persons or corporations engaged in the business of constructing or installing septic tank systems or pumping out of septic tanks shall obtain a business permit from the Cayuga County Health Department before constructing, installing or pumping septic tank systems. The business or person shall file an application with the Health Department and pay a business permit fee set forth by this Code. The applicant shall certify in the application that they are familiar with these provisions and that their permit may be revoked by the Board of Health after a hearing if the applicant is found to have violated the code.

## SECTION IV. REQUIRED DISCHARGE PERMIT AND INSPECTION REPORT

A. DISCHARGE PERMIT

All wastewater treatment systems must have a completed inspection report and a permit to discharge. The inspection results shall be submitted to the Health Department on a form supplied by or approved by the Cayuga County Health Department. Inspections are hereby required in accordance with the following schedule:

1. OWASCO LAKE AND LITTLE SODUS BAY WATERSHED

- (a) On or before November 1, 1994, for systems and all drainage pipes located on a parcel of property bordering the mean high water mark of Owasco Lake or Little Sodus Bay and every two years thereafter. If the wastewater treatment system is greater than 500 feet from the mean high water mark, then (1) (c) shall apply.

All drainage pipes shall be inspected by a Cayuga County inspector for fecal coliform organisms to be tested at a laboratory certified by the New York State Department of Health and shall be part of the inspection report and discharge permit for the property.

- (b) On or before November 1, 1995, for all systems located on a parcel of property not bordering the mean high water mark of Owasco Lake or Little Sodus Bay but within 500 feet thereof and every three years thereafter.
- (c) On or before November 1, 1996, for systems located in the Owasco Lake or Little Sodus Bay watershed, but not covered under paragraph (a) or (b) above, and are in the Towns of Owasco, Niles, Moravia, Scipio, Fleming, and Sterling, and every five years thereafter.

2. ALL OTHER PROPERTIES IN CAYUGA COUNTY

(a) On or before November 1, 1997, and every 5 years thereafter, all systems located in a Town with an (A) as a prefix from the following list:

(b) On or before November 1, 1998, and every 5 years thereafter, all systems located in a Town with a (B) as a prefix from the following list:

(c) On or before November 1, 1999, and every 5 years thereafter, all systems located in a Town with a (C) as a prefix from the following list:

(d) On or before November 1, 2000, and every 5 years thereafter, all systems located in a Town with a (D) as a prefix from the following list:

(A) Town of Aurelius	(A) Town of Niles
(B) Town of Brutus	(B) Town of Owasco
(C) Town of Cato	(C) Town of Scipio
(D) Town of Conquest	(D) Town of Sempronius

(A) Town of Fleming	(A) Town of Sennett
(B) Town of Genoa	(B) Town of Springport
(C) Town of Ira	(C) Town of Sterling
(D) Town of Ledyard	(D) Town of Summerhill

(A) Town of Locke	(A) Town of Throop
(B) Town of Mentz	(B) Town of Venice
(C) Town of Montezuma	(C) Town of Victory
(D) Town of Moravia	

B. PROPERTY TRANSFER AND REFINANCING INSPECTIONS:

(1) Prior to any property transfer, all septic or holding tanks must be pumped out by a New York State Department of Environmental Conservation licensed waste hauler, and a report filed with the Cayuga County Health and the proposed new owner, unless documentation can be furnished that the tank has been pumped out by a licensed hauler within the last twelve months.

- (2) Prior to, or at the time of property transfer, all wastewater treatment systems shall be inspected by a Cayuga County certified inspector and a report filed with the Cayuga County Health Department and the proposed new owner.
- (3) If a lending institution requires a property owner to obtain a wastewater treatment system inspection, and pumping of septic tank for refinancing, such reports, completed by a Cayuga County certified inspector shall be filed with the Cayuga County Health Department.

C. INSPECTION REPORT REQUIREMENTS

Due to inadequate design, maintenance or operation, all wastewater treatment systems have the potential to contribute pollution and harmful nutrients to tributaries and thereby to the waters of Cayuga County. These wastewater treatment systems shall be inspected by a person certified by the Cayuga County Health Department.

The inspection report shall be on a format provided by the Cayuga County Health Department and shall cover the following items:

- (1) The location of the wastewater treatment system, including the street address and tax map, block, and lot numbers of the parcel of property.
- (2) A general description of the wastewater treatment system, including sizes, dimensions and sketch of the system, when data or information is available.
- (3) The date(s) of system construction and subsequent repairs, modifications or alterations.
- (4) A listing of the wastewater generating fixtures which discharge to the system, including their location by street address, tax map, block and lot numbers.

- (5) A description of the occupancy and annual use of the system, including periods of maximum use.
- (6) A listing of the distances separating the applicant's seepage pits, disposal fields, and leaching facilities from adjacent wells, water-course and property lines, if known.
- (7) For a system with a valid State Pollution Discharge Elimination System (SPDES) permit, a copy of the current permit.
- (8) Other information as may be necessary to evaluate the application by the Cayuga County Health Department.
- (9) The filed inspection report shall include a general description of the wastewater treatment system, including sizes and dimensions when available, without subsurface exploration or special technical assistance. Engineering plans, reports or specifications shall not be required to be prepared for inspection reports, but if existing, their submission may be required.

D. RIGHT OF ACCESS

The Health Department or its duly authorized representative is authorized to enter upon any parcel of property for the purpose of inspecting wastewater treatment systems and soil conditions and may collect data, install monitoring wells, take samples and conduct other investigations reasonably related to gathering information on the wastewater management and related systems.

SECTION V. ISSUANCE OF A PERMIT TO DISCHARGE FROM AN EXISTING WASTEWATER TREATMENT SYSTEM.

A. CLASSIFICATION OF SYSTEM

After an inspection report has been duly filed and the Health Department has accepted the inspection report as complete, the Health Department shall classify the wastewater treatment system and issue a permit to discharge,

unless the Health Department determines that the system has failed, resulting in a discharge of wastewater onto the surface of the ground or into a watercourse. The Health Department shall classify systems other than failed systems as:

- (1) Meeting design standards;
- (2) Meeting existing standards;
- (3) Substandard

A permit to discharge may be issued to the applicant by the Health Department only for systems meeting design standards or existing standards. An interim permit to discharge may be issued for substandard systems.

**B. SYSTEMS MEETING DESIGN OR EXISTING STANDARDS**

A permit to discharge from a wastewater treatment system may be issued by the Health Department for a term of up to five years when and if the following conditions have been satisfied:

- (1) A complete inspection report has been filed, and
- (2) There is no evidence of system failure during testing and operation of the system, and
- (3) There are no known or identifiable system overflow points, and
- (4) All mechanical and electrical components are maintained in good working order, and
- (5) If condition (a) set forth below is satisfied, the system is deemed to meet design standards, or if condition (b) or (c) set forth below is satisfied, the system is determined to meet existing standards:
  - (a) it can be demonstrated that the system conforms with the design standards as

set forth in 10 NYCRR Appendix 75-a of Part 75.

- (b) the system was constructed and maintained in accordance with a valid permit issued by the New York State Department of Environmental Conservation, the Department of Health or any Town or Village located within Cayuga County.
- (c) all of the following can be satisfied:
  - (1) the septic tank is of a size and construction consistent with the requirement for existing systems.
  - (2) there is a vertical separation of two feet between the bottom of the absorption device and seasonal high groundwater, bedrock or impervious strata, and,
  - (3) the absorption field is separated from any watercourse or wetland by at least 100 feet.

#### C. SUBSTANDARD SYSTEMS

Whenever the conditions for issuance of a permit to discharge from an existing wastewater treatment system cannot be met, and there is no evidence of failure of the system, the system shall be deemed to be sub-standard. The Health Department may issue an interim permit to discharge from a substandard system for a minimum term of one year to afford time for the homeowner to make further investigation and evaluation of the system.

The Health Department may require substandard systems located on a parcel of property bordering Owasco Lake or Little Sodus Bay to be replaced by a holding tank above high water and may require the resident to keep

records of water usage and holding tank pumpouts, where those provisions listed in Section V (B) (5) (c) are not met.

D. SUMMARY OF CLASSIFICATION METHOD AND CORRESPONDING PERMIT TYPES. The following diagram is provided to summarize the classification of wastewater treatment systems:

Classification	Basis of Classification	Highest level of Initial Permit Attainable
Design Standards	Conforms with new construction standards	Permit to Discharge (2 to 5 years)
Existing Standards	Conforms with existing construction standards	Permit to Discharge (2 to 5 years)
Substandard	Non-conformance with the above	Interim Permit to Discharge (1 year minimum)
Failed	Evidence of Failure	None

E. CONDITIONS AND LIMITATIONS ON INTERIM PERMITS TO DISCHARGE.

The Health Department may impose special conditions, schedules and limitations on interim permits to discharge, to eliminate or control situations where fecal coliform could be reasonably expected to enter a lake, bay, pond, river, watercourse or any other permanent body of water or its tributaries, including any of the following:

- (1) Any expansion in size or increase in use of the buildings or wastewater generating fixtures connected to the subject wastewater treatment system shall require approval of plans by the Health Department and will require a permit for construction of a new or modified wastewater treatment system in accordance with this

article.

- (2) The maintenance or repair of any system component found to be in need of maintenance or repair.
- (3) A pump-out of the septic tank and submission of documentation to the Health Department that such pump-out has been performed by a septic tank cleaner licensed in accordance with New York State Department of Environmental Conservation.
- (4) the immediate reporting to the Health Department of any failures or breakdowns of any of the components of the system or any flow of wastewater onto the ground or into a watercourse of Cayuga County.
- (5) the filing of a septic tank cleaner report on the location, size, material and makeup of the septic tank when a pump-out has been required and undertaken pursuant to this article.
- (6) a limitation on the flows which may be directed to such systems,
- (7) the digging of a test hole or allowing the Health Department to place a monitoring well on the property to examine soil and groundwater conditions of the site,
- (8) the exposure of the access port of the septic tank and removal of solids and liquids therein contained, in the presence of an authorized representative of the Health Department,
- (9) require a holding tank with alarm systems, or other devices to insure no leakage or overflow of holding tank, and a contract with a licensed hauler with records of water usage and pump outs to be maintained and provided to the Health Department upon request.

F. ISSUANCE OF INTERIM DISCHARGE PERMIT

Permits to discharge shall be issued for a term of one year minimum for systems on an interim permit. An application for renewal of an interim permit to discharge annually shall be made to the Health Department except that no such permit shall be issued or renewed when any of the following has occurred;

- (1) failure to conform with any condition or requirement of a previous permit, or
- (2) determination by the Health Department of the existence of failed system or an improperly maintained or improperly repaired system.

G. EXPIRATION OF INTERIM PERMIT

Upon the expiration of an interim permit to discharge from an existing wastewater treatment system, the Health Department shall take action as specified below:

- (1) Where it is determined that the provisions of Section V of this article governing issuance of a permit to discharge can be satisfied, the Health Department shall issue a permit to discharge which shall include any of the special conditions.
- (2) Where the conditions for a permit to discharge cannot be demonstrated, but there is reasonable likelihood that with further investigation it can be demonstrated that such conditions can be met, the Health Department shall issue a renewal of the interim permit to discharge together with any necessary conditions for a term to be determined by the Health Department.
- (3) When it would create undue hardship or under other special circumstances, the Health Department may:

- (a) grant a variance in accordance with this article;

- (b) grant a special waiver of requirements for a period of time determined by the Health Department or within a geographic area determined by the Health Department; or
  - (c) extend an interim permit to discharge with specific conditions which may include repair, modification or alteration of the wastewater treatment system.
- (4) Where it is determined by the Health Department that the minimum standards for issuance of a permit to discharge cannot be met, especially those provisions listed in Section V (B) 5 (c), the Health Department may direct the owner of the system to undertake specific repairs, alterations or modifications to the system, to comply with a schedule established by the Health Department to plan, select and construct a new wastewater treatment system based on health or water quality considerations to replace the existing system.
- (a) The Health Department may issue an order requiring repair, alteration or modification of a wastewater treatment system to prevent the continued flow of wastewater onto the ground or into the waters of Cayuga County. When such repairs are not undertaken within the time specified, the Health Department shall summon the property owner to a Board of Health administrative hearing for enforcement.
  - (b) Repairs, alterations and modifications to all existing systems shall be in accordance with a plan reviewed and accepted by the Health Department except for such repairs, alterations and modifications ordered on an emergency basis.

## SECTION VI. WASTEWATER INSPECTOR QUALIFICATIONS

A. QUALIFICATIONS

The minimum qualifications for an inspector shall be in addition to completing the required course and passing the test to insure knowledge of wastewater regulations and inspection procedures:

1. Professional Engineer, Registered Architects or Licensed Land Surveyor with certificate for minor engineering all of whom are licensed by New York State to design septic tank systems.
2. Cayuga County, City, Town and Village Code Enforcement officers, water supply operators or sewage treatment plant operators.
3. A person who has been in the business and supervising the installation of septic tank systems on a regular basis in Cayuga County for five years.
4. A person with special specific experience may submit their work experience to the Cayuga County Health Department for review to determine if they meet a combination of the above qualifications or equivalent training and experience.
5. Satisfactorily completing a wastewater systems inspection course every two years approved by the Cayuga County Health Department and be certified by the Cayuga County Health Department.

## SECTION VII. CONSTRUCTION OR MODIFICATION OF WASTEWATER TREATMENT SYSTEMS.

A. REQUIREMENTS

1. Construction of a new system or modification of an existing system located within Cayuga County all require a review of plans and acceptance by the Cayuga County Health Department, prior to construction.

2. The fee for a review of plans and acceptance by the Cayuga County Health Department shall be as designated in the section on fees, and shall be paid to the County Health Department upon the submission of plans.
3. An application for a review of plans and acceptance by the Cayuga County Health Department shall be on Department approved forms and shall contain such information as shall be determined necessary for proper review by the Health Department.
4. New wastewater treatment systems must meet requirements of 10 NYCRR Appendix 75-A of Part 75 or obtain a variance.
5. Owners of existing wastewater treatment systems in need of repairs or modification shall be encouraged to meet 10 NYCRR Appendix 75-A of Part 75. Plans not meeting these sections of the code may be accepted based upon information and data submitted with owner's authorization.
6. All site evaluations and preparation of plans for repair or replacement of wastewater treatment systems located in the Owasco Lake and Little Sodus Bay watersheds and other environmentally sensitive areas as designated by the Cayuga County Health Department, shall be conducted and submitted with seal and signature of a licensed design professional (Professional Engineer, Registered Architect or Licensed Land Surveyor with an exemption). Contractors issued a Business Permit by the Cayuga County Health Department and been in business of installing septic systems for a minimum of three years will be allowed to perform site evaluations and preparation of plans for repair or replacement of wastewater treatment systems located outside the watersheds of Owasco Lake and Little Sodus Bay and other environmentally sensitive areas as designated by the Cayuga County Health Department.
7. Septic tank replacement only shall require

written notification of replacement including date, size, fee, and conditions to the Health Department but not require a formally prepared plan.

#### SECTION VIII. VARIANCES

A. STANDARDS - An owner who experiences practical difficulty or unnecessary hardship because of the literal interpretation of the provisions of the County Sanitary Code Article V may request a hearing by the Variance Committee. The Variance Committee shall consist of three (3) persons appointed by the Board of Health, none of whom shall be an employee of the County Health Department.

The Variance Committee may recommend a variance from the requirements of this Article if the Variance Committee finds that the essential purpose of these regulations, namely the protection of public health and water quality, will be accomplished even if the variance is created. The Variance Committee shall consider the following factors and make applicable findings regarding:

(1) Whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of this Article.

(2) Whether a substantial change will be produced in the general condition of the water quality or a substantial risk to groundwater quality or quantity will be created because of the variance.

(3) Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.

(4) Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Variance Committee may recommend a lesser variance than that applied for.

(5) Whether the hardship or difficulty has been

created by the applicant.

B. DETERMINATION BY VARIANCE COMMITTEE

1. The Variance Committee shall act on all requests within a reasonable time of receipt of a properly prepared variance application. If the request is not acted upon in a timely fashion, the old permit would continue to apply.

2. Every decision of the Variance Committee to approve, approve with conditions or deny a variance request shall be made in writing and served on the applicant and shall include findings made regarding the aforementioned applicable factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of these Rules and Regulations.

3. The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required.

C. VARIANCE APPLICATION PROCEDURE

1. Variance Application Procedure - Applications for a variance shall be submitted to the Variance Committee at the office of the Cayuga County Health Department by certified mail or personal delivery to the Health Department and shall contain at least the following information:

(1) The applicant's name, address and his interest in the subject property; or the owner's name and address, if different from the applicant, and the owner's signed consent to file the application.

(2) a narrative description of the proposed use or action together with any other pertinent information that may be necessary to adequately review the application.

(3) a sketch plan illustrating all proposed site alterations, all structures existing on site, the existing uses and zoning of adjacent parcels, site contours and

drainage patterns.

- (4) a statement articulating the hardship or difficulty imposed by the enforcement and administration of this Article with specific reference to the factors listed in this Article.
- (5) A statement assessing the potential impact on water quality or the use or activity to be authorized by the waiver or variance.

#### SECTION IX. SEPTAGE

Any septage or material pumped out from a septic tank or holding tank and discharged in Cayuga County must be discharged to a New York State Department of Environmental Conservation permitted sewage treatment plant system or plowed under and into the ground within twenty-four hours at an approved NYS DEC site.

#### SECTION X. FLOOD PLAIN REQUIREMENT

The Health Department shall not issue any permits for wastewater treatment plant systems within a flood way or plain as designated on maps prepared by Federal Emergency Management Agency (FEMA) and filed with the Office of Disaster Preparedness, Cayuga County Office Building, 160 Genesee Street, Auburn, New York, and copies may be obtained from FEMA,

under the Federal Insurance Administration unless the bottom of the absorption field is designed and constructed two feet above the designated flood elevation, except in Owasco Lake where the designated flood elevation shall be 717.13 USGS.

#### SECTION XI. HOME RULE

Whenever a town, village or city enacts a local law, or regulation and such law or regulation meets the minimum requirements of Article V of this Code, the municipality may do the inspections as outlined in Article V of this Code, and submit the results to the Health Department for compliance with this Code.

The City of Syracuse has watershed inspectors on Skaneateles Lake Watershed and their inspections of wastewater treatment plant systems shall be accepted by the Health Department on the conditions that they attend the Health Department approved course, and meet the minimum requirements of Health Department testing procedure.

#### SECTION XII. CONTROLLING ARTICLE

To the extent that the provisions of any other previous article of this County Sanitary Code conflict with or are less restrictive than the provisions of this article, this article shall control.

#### SECTION XIII - FEES

The following fees are required for permits, licenses, and registrations:

1. Construction permit needed to comply with Section III, B. \$75.00
2. Inspector's course fee to comply with Section VI (bi-annually) \$300.00
3. All persons or businesses shall file an application and obtain a Business Permit for installing, constructing, or cleaning septic tank systems to comply with Section III-H (annually) \$100.00
4. Copies will be pursuant to rates allowed set by Freedom of Information Law (FOIL) and regulation
5. Discharge Permit to comply with Section III-A and Section V-B \$ 0.00

Sanitary Code  
of the  
Cayuga County Health District

ARTICLE I

Title, Definitions and General Provisions

Section 1. Title.

The rules and regulations contained herein together with duly enacted amendments or additions thereto shall be known as the "Sanitary Code of the Cayuga County Health District".

Section 2. Definitions.

Whenever used in this code, unless otherwise expressly stated:

- A. "Health District" means the Cayuga County Health District (the entire area of Cayuga County) established pursuant to the New York State Public Health Law.
- b. "Department of Health" means the Department of Health of Cayuga County Health District.
- c. "Board of Health" means the Board of Health of the Cayuga County Health District.
- d. "Commissioner" means the Commissioner of Health of the Cayuga County Department of Health.
- e. "Sanitary Code" means the "Sanitary Code of the Cayuga County Health District" which comprises the rules, regulations, orders and directions now or hereafter formulated, promulgated and adopted by the Board of Health of the Cayuga County Health District pursuant to the Public Health Law of the State of New York.
- f. "State Sanitary Code" means the Sanitary Code established by the Public Health Council of the State of New York.

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- g. "Person" means an individual, group of individuals, firm, corporation, association, company, partnership, institution or public body including but not limited to municipality, town, village, or school district.
- h. "Permit" means any written approval issued by the Commissioner of Health of the Cayuga County Department of Health.
- i. "Official Representative" means an employee of the Cayuga County Department of Health acting for or in behalf of the Commissioner and includes the plural as well as the singular.

Section 3. Jurisdiction.

- a. The provisions of the Sanitary Code shall be in force throughout the Cayuga County Health District and shall be supplemental to the regulations, rules, and orders of the State Sanitary Code, Public Health Law, and other New York State Laws relating to public health and shall, as to matters to which it refers, and in the territory prescribed therefore by law, be deemed to supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.
- b. Nothing herein contained shall be construed to restrict or abrogate the authority of any city, village or town in the Health District to adopt and enforce additional ordinances or to enforce existing ordinances not less restrictive than nor inconsistent with provisions of the Sanitary Code.

Section 4. Violations and Penalties.

Fines or penalty by the Board of Health shall be pursuant to the provisions of the New York State Public Health Law.

Section 5. Interference with Notices.

No person shall remove, mutilate, deface or conceal

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any notice, sign or placard of the Department of Health posted in or on any premises or public place. Such notice, sign or placard may be removed only by an official representative of the Commissioner.

Section 6. Inspection Generally.

- a. All premises covered by the regulations of this Sanitary Code shall be subject to inspection by the Commissioner or his official representative and if any violation of the Sanitary Code exists on said premises, any permit granted therefore by the Commissioner may be suspended forthwith.
- b. No person shall refuse to allow the Commissioner or any official representative thereof to inspect fully and freely any and all premises, and no person shall molest or resist the Commissioner or any official representative thereof in the discharge of his or her duties.

Section 7. Permits Generally.

- a. Application for permit.  
An application for a permit shall be made on a form prescribed by the New York State Department of Health or by the Cayuga County Department of Health and available from the Commissioner and shall be signed by the applicant who shall be the person, or authorized agent thereof, responsible for conformance to the laws and codes and the conditions of the permit applied for. Such application shall contain such data and information and be accompanied by such plans as may be required by the Commissioner.
- b. Issuance.  
  - (1.) A permit shall be issued by the Commissioner to the person, or authorized agent thereof, responsible for conformance to the conditions of the permit upon a finding that the application conforms to the applicable laws, rules and regulations. Only persons who comply with the requirements of the Sanitary Code, the rules, regulations and standards adopted by the

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Board of Health, the Public Health Law and State Sanitary Code shall be entitled to receive such permit.

- (2.) A permit issued to a particular person or for a designated place, purpose or vehicle shall not be valid for use by any other person or for any other place, purpose or vehicle than that designated therein. A permit shall not be transferable or assignable.
  - (3.) A permit may contain general and specific conditions and every person who obtains a permit as herein required shall conform to the conditions prescribed in said permit and to the provisions of the Sanitary Code. Every such permit shall expire as stated on the permit, if an expiration date is so indicated, and may be renewed by the Commissioner.
  - (4.) All permits issued hereunder shall remain the property of the Department of Health and shall, on demand, be surrendered to the Commissioner or to an official representative of the Commissioner whenever such permit expires, is suspended or revoked.
- c. Suspension or Revocation of Permit.  
A permit may be suspended for cause by the Commissioner or suspended as provided for in Article I, Section 6a of the Sanitary Code, or revoked by the Commissioner after giving the person due notice and an opportunity to be heard.

Section 8.

Effective Date.

Except as may otherwise be specified herein every rule, regulation and provision of this Sanitary Code shall take effect on the first day of January, 1965.

Section 9.

Separability Clause:

In the event that any section, paragraph, sentence, clause or phrase of this Sanitary Code shall be declared unconstitutional or invalid for any reason, the remainder of said Sanitary Code shall not be affected thereby and shall remain in full force and effect.