



Nassau County Soil & Water Conservation District
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NASSAU S.E.P.T.I.C. GUIDANCE MEMO # 1

TO: Nassau County North Shore Municipalities
IA OWTS Manufacturers, Installers, and Design Professionals

FROM: Derek Betts, District Manager
Nassau County Soil and Water Conservation District

SUBJECT: S.E.P.T.I.C. Grant Program Rules and Standard Operating Procedures

DATE: August 7, 2022

1. Definitions.

District – The Nassau County Soil and Water Conservation District

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 to provide I/A OWTS design services for an IA OWTS permit submission in accordance with Local City, Town, or Village requirements.

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) – County Funding assistance may be available to eligible Property Owners for the eligible costs to upgrade to an Innovative and Alternative Onsite Wastewater Treatment System.

Grant (State) - Funding from the New York State Septic System Replacement Program, disbursed from the Environmental Facilities Corporation, and administered by the Nassau County Soil and Water Conservation District

Grant Agreement – The agreement between the County and the Grant Awardee. One Agreement will encompass all eligible IA OWTS Grants available through State and County funding sources.

Grant Application – The online application submitted by a Property Owner or their qualified representative, for the consideration and issues of S.E.P.T.I.C. Grant funds to assist with the design, purchase and installation of an IA OWTS

Grant Awardee – Property Owner(s) that have executed a Grant Agreement with the County as may be amended and set forth in these Rules and Regulations.

Innovative and Alternative Onsite Wastewater Treatment System (or “IA OWTS” or “System”) – An onsite decentralized wastewater treatment system that meets the District’s Performance Requirements of total nitrogen effluent of 19 mg/l, determined in accordance with specifications set forth in The District Guidelines for the Acceptance, Use, and Management of IA OWTS in Nassau County, NY, or any subsequent superseding documents.

Letter of Completion or equivalent – Letter issued by the permitting jurisdiction stating that the I/A OWTS installation has been completed and was installed in conformance with approved plans. The District will also accept a stamped Designer Certification, an updated Certificate of Conformance.

Manufacturer or Manufacturer’s Representative – A manufacturer, dealer or seller of an IA OWTS that has been accepted for use by the District in accordance with District Guidelines.

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.

Provisional Grant Approval - Applications are reviewed for completeness and Provisional Grant Approval is issued. Funding is allocated to the property owner(s) at this point. However,

Property Owners are responsible for meeting deadlines as outlined in Section 10 below. If deadlines are not met in the required timeframe Property Owners may either request an extension in writing or let their Provisional Approval expire and the funding will revert back into the Grant pool. Extensions will only be granted for good cause as determined by the District and/or County.

Reasonably Likely to Fail - Any IA OWTS, Conventional Septic System or Cesspool that is structurally damaged, in danger of collapse, or unable to function hydraulically. In addition, for Nassau County, any septic systems or cesspools not designed to reduce nitrogen concentrations to 19 mg/L are deemed “Reasonably Likely to Fail”.

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 Nassau, and may legally be used for permanent residential purposes under the local city, town or village code, as the case may be.

State Health Code – The New York State Department of Health Service Code and any duly enacted amendments thereto.

System Installer - An IA OWTS installation company with active Nassau County Home Improvement License and applicable insurance whether directly or through contracted services, provides comprehensive installation and maintenance of such systems in accordance with all state and local permitting and licensing laws, regulations, District and Installer guidelines.

System Service Provider - An IA OWTS Inspection, Maintenance, and Service company whether directly or through contracted services, provides comprehensive inspection, operation, and maintenance of such systems in accordance with all state and local permitting and licensing laws, regulations, District and Installer guidelines.

Two-Party Authorization (formerly referred to as “Assignment of Payment”) – The Grant Awardee(s) may select two-party authorization to mail reimbursement to the Installer after installation. If the Grant Awardee(s) elects two-party authorization for reimbursement directly to the Installer, the Grant Awardee(s) must complete and submit a two-party authorization form within seven (7) business days of executing a contract with an Installer for the materials and installation of the I/A OWTS.

2. Nassau County’s S.E.P.T.I.C Grant Program

Nassau County’s Septic Environmental Program To Improve Cleanliness (S.E.P.T.I.C.) Grant Replacement Program is available to Property Owners meeting the qualifications of the New York State Septic System Replacement Program Program Outline published by the State Environmental Facilities Corporation. Other qualifications and clarification approved by the federal government, NYS EFC and NYSDEC are set forth in these Rules.

The Program shall be administered by the District consistent with the Agreement currently in place between Nassau County and the State Environmental Facilities Corporation (EFC) and the Agreement currently in place between Nassau County and Nassau County's Soil and Water Conservation District.

3. Funding.

State Funding: The Clean Water Infrastructure Act of 2017 established the "State Septic System Replacement Fund" and allocated \$75 million to support a multi-year program. Nassau County received notification from NY State Department of Environmental Conservation (DEC) and New York State Environmental Facilities Corporation (EFC) that \$2,000,000 has been awarded to Nassau County as of the date of these Rules. If the S.E.P.T.I.C. Grant Program is successful the County is hopeful to receive additional SSRP over the next several years.

County Funding: the County of Nassau has received and appropriated monies from the Coronavirus Local Fiscal Recovery Fund (CLFRF), established by Subtitle M of Title IX of the American Rescue Plan Act of 2021 (ARPA). Published CLFRF Program Guidance provides a nonexclusive listing of permissible uses for CLFRF funding, including making necessary investments in water, sewer, and broadband infrastructure. The County has dedicated \$2,000,000 in ARPA funds towards grants for the coordinated installation of Innovative and Alternative Onsite Wastewater Treatment Systems (IA OWTS), which constitute a necessary improvement and as such, are considered eligible projects pursuant to the terms of the Clean Water State Revolving Fund.

4. Qualifying Properties

Single-family, two-family, Not-for-Profit organizations and small businesses with existing and proposed sanitary design flow not exceeding 1,000 gallons per day (GPD) as of March 1, 2018, are eligible for this program. In addition, participating properties MUST:

- have a valid certificate of occupancy, certificate of completion, or equivalent issued by the pertinent city, town or village;
- must be served by an existing septic system or cesspool and not be connected to a public or private sewer or located within an existing or proposed sewer district, unless the property meets one of the following exceptions:
 - If the property is located in an existing sewer district but is unable to connect due to site constraints documented by the Sewer District in question, the property may be eligible, provided the applicant meets all other eligibility requirements; or
 - a qualifying Residential Parcel may, at the sole discretion of the County, 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;
- Grant funds shall be subject to program eligibility and execution of a Grant Agreement between the Property owner and the County

5. Grant eligibility

- a. To be eligible for funding, a project must be deemed Reasonably Likely to Fail as defined in Section 1 of these rules.
- b. Grants are limited to one award per parcel. If there are multiple septic systems on one parcel being upgraded to IA OWTS, the maximum award would be \$20,000 in combined State and County Funding.
- c. To be eligible for funding the Property Owner must replace an existing cesspool or septic system with an IA OWTS in accordance with District Guidelines for the Acceptance, Use, and Management of IA OWTS.
- d. Determinations of eligibility will be made by the District based on the criteria contained herein, including any subsequent revisions or clarifications.
- e. Both design and construction of any rehabilitation or replacement must have been approved by the local designated permitting authority.
- f. Any change to the permitted Design must be specified in writing by the Design Professional and Approved in writing by the Property Owner and the Permitting Authority.

6. Eligible Costs

- a. To be eligible for a S.E.P.T.I.C. Grant, incurred costs must be reasonable and necessary for work done such as the following:
 - i. the total cost of the purchase of I/A OWTS materials and necessary components;
 - ii. the purchase of electrical components;
 - iii. labor costs incurred in connection with the installation of the I/A OWTS and any necessary leaching fields and structures,
 - iv. a three-year warranty for the I/A OWTS;
 - v. excavation and backfilling;
 - vi. Design costs are eligible only as a reimbursement to the property owner if additional grant funds remain after the installation. Applicants are expected to pay for the design out-of-pocket. Reimbursement is limited only to work needed to complete an approved design, including needed site investigation, as-built drawings, and inspections.

7. Ineligible Costs

- a. irrigation repairs;
- b. Non-essential site beautification
- c. electrical improvements unrelated to the I/A OWTS;
- d. any other improvements not necessary for the installation of the System.

- e. Sales Tax or Fines and Penalties
- f. Routine maintenance such as a pump out of a septic tank.
- g. Any Operation and Maintenance expenses
- h. Any expenses that are not appropriately documented
- i. Government permit fees, including but not limited to fees assessed for building permits, zoning permits, construction compliance certifications, and floodplain disturbance permits.
- j. Interest and late fees.
- k. interior plumbing changes.
- l. Administrative work conducted by the engineer.
- m. Construction observation by the engineer if the engineer, or an entity owned, controlled by, or employing the engineer, is also conducting the repair or replacement.
- n. pumping and abandonment of an existing on-site system.

8. Grant eligibility; scoring.

After an application for Provisional Grant is determined to be complete by the District, Provisional Grant Approval will be issued on a first-come-first-served basis. In the event demand exceeds funding, the District reserves the right to develop additional priority criteria and amend these Rules and Regulations Accordingly.

9. Priority Ranking(RESERVED)

10. Provisional Application Process and Timeline

Apply For Grant – applicant applies for a grant at nassaucountyny.gov/SepticReplace. Upon successful completion and review of the application, the property owner will receive a provisional approval award letter and have thirty (30) days to execute the Grant Agreement with Nassau County.

Hire Design Professional – upon successful execution of the Provisional Grant Agreement, the Property Owner has 60 days to submit a signed design contract with a design professional. Visit our website for suggested design contract templates and guidance. The Property Owner is responsible for direct payment to the design professional but these fees can be reimbursed provided grant funds remain after payment/reimbursement for the installation.

Design Plans and Permitting Services – Upon being hired by the Property Owner, the Design Professional will prepare IA OWTS design plans for submission to the property’s corresponding village, city, or town on behalf of the property owner. The Design Professional shall also secure any other permits, such as New York State wetlands permit or town plumbing or electrical permit(s), if required.

Property Owner Chooses Payment Type - upon approval of the Permits, the Property Owner will decide to either assign payment to an installer on the District's maintained list or pay the installer directly and receive reimbursement. The Property Owner should reach out to multiple installers to receive proposals to install the IA OWTS in accordance with the Approved Plans.

Contract with Installer – The Property Owner must select and enter into a contract with an Installer, must be properly licensed by the Nassau County Department of Consumer Affairs and insured, within sixty (60) days of receiving completed IA OWTS plans from their Design Professional. The selected Installer is required to upload a copy of the accepted contract to the website.

Homeowner Reviews Project Costs and Schedules Installation – The District will send the Property Owner an Eligibility Memo based on the price quote provided in the Designer and Installer contracts. The memo outlines eligible costs, ineligible costs, and grant award amounts. The Property Owner can then acknowledge the out-of-pocket expenses, complete the two-party authorization form, and schedule the installation.

Installation of IA OWTS and Certificate of Completion – the installer installs the system and the issuing village, city or town completes the final inspection and issues a certificate of completion (or equivalent) and the property owner submits a copy along with all other requested documents online for review and approval. The Property Owner has a total of twelve (12) months from the date of the executed Grant Agreement with the County to install their I/A System. Property Owners may be granted an extension if they can demonstrate they are moving forward with the Program and submit an updated timeline for Project completion.

11. Appeals (RESERVED)

12. Repayment Provisions

If a Property Owner fails to Operate, Inspect, and Maintain their I/A OWTS in accordance with their grant agreement, manufacturer recommendations, or these Guidelines, the Property Owner will be in violation of their grant agreement and may be required to repay the District all S.E.P.T.I.C. Grant funds paid out for the Project.

13. Authorization of Payment to the Installer

In accordance with the Grant Agreement, the Grant Awardee may submit for reimbursement if the IA OWTS was installed after March 1, 2018, but prior to completion of a grant application. Reimbursements are not guaranteed and are dependent on the availability of Funding.

- The Grant Awardee may also elect for two-party authorization with an Installer who responded to the District's Request for Expression of Interest in the S.E.P.T.I.C. Grant Program.
- Payment will be processed when the following items are submitted and reviewed by the district: (1) Certification of IA OWTS by the installer or regulatory authority; (2) Signed Inspection and Maintenance Agreement; (3) Itemized Invoice. Other items may be requested by the Department of Audit and Control.

14. Annual Review.

The District shall conduct an annual review of the program and provide an annual report to the County, Environmental Facility Corporation, and Department of Environmental Conservation no later than April 1 each year. The annual report shall include, at a minimum, the following information for the preceding calendar year, broken down by each City, 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 combined or coupled County and State grants.
- (5) The number of IA OWTS installed, with grant assistance.

Exclusions from the Program

- A.) No application submitted for a Grant shall be considered by the District if:
- (1) the IA OWTS is for new construction on vacant land
 - (2) the Property has outstanding or open real property tax liens.
 - (3) The Property is in foreclosure.