



NASSAU COUNTY DEPARTMENT OF HEALTH

Review of the Nassau County Soil and Water Conservation District Nassau S.E.P.T.I.C Guidance Memos

The Nassau County Department of Health (NCDOH) has received a guidance memorandum from Derek Betts, District Manager of the Nassau County Soil and Water Conservation District (District) dated August 24, 2021 providing “Nassau County’s Septic Environmental Program to Improve Cleanliness (SEPTIC) Program Administration and Guidelines for Relaxing Setbacks for Nitrogen-Reducing Septic Systems in Certain Instances” and the Department has prepared the following information and comments for consideration by the District:

NCDOH Jurisdiction

The Nassau County Department of Health regulates the design of new sanitary systems to serve realty subdivisions of five (5) or more lots. The Department also requires and approves engineering plans for commercial sanitary sewage disposal system having a design flow of 1,000 gallons per day or more and issues Specific Pollutant Discharge Elimination System (SPDES) permits under the delegated authority of the NYSDEC. The Department however does not regulate the design of individual replacement sanitary systems for single family homes but does require that engineering plans be submitted to the Department for regulated commercial modified or replacement sanitary systems.

Existing single-family homes that do not currently meet NYS 75-A (Wastewater Treatment Standards - Residential Onsite System) design standards are not required to upgrade their sanitary systems by the Department. Single family property owners wishing to upgrade their sanitary systems are referred to the local building department having jurisdiction to obtain approval or permits to install an upgraded replacement sanitary system.

Commercial property owners with sanitary systems that do not currently meet New York State Department of Environmental Conservation (NYSDEC) or Department design standards for wastewater treatment systems are also not required to upgrade their systems. Commercial sanitary system property owners wishing to upgrade or replace their sanitary system are however required to submit engineering plans to the Department for approval.

It is understood that NYS has designed the Grant Program so that pre-existing properties can replace their septic systems and cesspools with nitrogen removal systems on small lots without going through a formal waiver process. The local building department should however decide if the site owner is eligible for an informal waiver from required system separation requirements on a case by case basis based on an evaluation of public health and safety concerns or impacts.



Grant Eligibility

1. It is understood as described in the District guidance that only nitrogen reducing systems and the least expensive technologically appropriate alternative needed to upgrade a system as close as reasonable to Appendix 75-A requirements will be eligible for grants.
2. The grant program does not require that existing non-complying sanitary systems that do not meet the Appendix 75-A requirements be upgraded or replaced to Appendix 75-A standards. The local building department, which may consult with the Department of Health, should however determine when a failed or likely to fail sanitary system on an individual homeowner property must be upgraded to meet Appendix 75-A standards, and when departures from the standards may be approved.

Approval and Management Program

The Nassau SEPTIC Guidance Memo # 3 states that the NYSDOH Design Handbook for Residential Onsite Wastewater Treatment Systems (OWTS) identifies the need to develop an approval and management program for I/A OWTS (Innovative and Alternative Onsite Waste Water Treatment Systems), that the District intends to review and accept the I/A OWTS technologies authorized as part of the Grant Program and that the District will track and enforce the O&M and performance of these systems.

NCDOH: MJA: 9/24/21 R2