

Torrey Town Board  
Wastewater Public Hearing  
September 30, 2014

The Torrey Town Board public hearing on Wastewater law was held on September 30, 2014 at the Dresden Fire House 1000 Firehouse Ave, Dresden and was called to order at 7:00PM by Supervisor Flynn

Present: Supervisor Patrick Flynn, Councilman Burge Morris and Colby Petersen

Excused: Linda Francisco, John Martini

Others: Torrey Code Officer Dwight James, Betty Daggett, 85 residents

Supervisor opened the hearing at 7:05pm

Colby Petersen introduced the new changes to this law per the residents request at the previous hearing on this law in December 2011.

One concern was the inspection itself, property transfers would initiate inspections.

In lieu of entering the homes the owner would complete a form with number of bedrooms, garbage disposal, where plumbing go ( septic tank)

Current law has no specifics, it states septic must be inspected with no protocol at property sales.

Question – What about Zone 2 compliance.

**Colby Petersen (CP)** - stated that the critical area of the lake is in zone 1. All area within 200' of the lakeshore or a DEC Classified streams, the DEC map topographic map with blue line area streams such as Keuka Outlet that feeds directly into the lake. The zone 2 was eliminated.

Question Why pick on only 200' from lakeshore (Zone 1 property owners)

**CP-** stated that Zone 2 is not as a concern due to distance water would need to travel to reach the lake. In Dresden 200' would be just west of Cornelia St.

Question- Does this Town Law covers the Village also.

**CP-** The town watershed inspector has done all the village inspections for years.

Mayor Hall has been in contact with state attorney and the Village has their own wastewater law so they do not fall under the jurisdiction of this law. A discussion about existing town law, the Town has contracted and paid for village watershed inspections since 1967.

Pat Flynn stated original wastewater law included the village. Who inspects the village?

Mayor stated village watershed law states contract with Yates County for inspections. No state law for inspections.

Town is under contract with Yates County Soil & Water for septic inspections. The Village has no contract with Yates County Soil & Water to date for village inspections.

Question on rental properties. Rental properties should be under higher scrutiny due to the high volume and turnover of tenants weekly.

**CP-** More wastewater is produced at these properties and many rentals advertise more bedroom than septic in place can handle. Renters have no investment in the property therefore many abuse the systems.

Question- How far from streams? What determines the streams and who is inspected.

**CP-** DEC maps with the blue line streams would help recognize areas in need of zone 1 inspection schedule.

Question- Why do we need this law, where did it come from?

**CP-** stated water quality was identified as major concern from the surveys that were sent out for the Comprehensive Plan.

Question- Do other Towns have wastewater laws,

**CP-** identified six watershed districts that have a wastewater law in place. Along the lakeshore is the main zone for inspection in many of these watersheds. These are standards that this wastewater law follows. With all the inspections he has done in Torrey, there is a great need for improvement.

**CP-** He can write up all these concerns that he finds on a report but unless a wastewater law or policies in effect, there is no recourse. Keuka Watershed implemented their law 20 years ago with many issues improved significantly but still not done. Keuka Lake Improvement Cooperative (KWIC) has been recognized for setting standards that have protected and improved the water quality. Waneta and Lamoka have zone 1 inspections.

Questions- Details on procedure for inspecting homes

**CP-** You may allow the watershed inspector in for the inspection or submit in lieu of, the homeowners assessment form.

Question- A single person owns a 4 bedroom house, has a 750 gallon functioning tank

**CP-** If a property transfer inspection was needed it would list the septic as an undersize system according to NYS DOH standards.

Question- Why not access the census demographic figures and information

**CP-** The wastewater structure is based NYS DOH determination from the number of bedrooms. The scientific reasoning is larger number of bedrooms will create larger amount of effluent.

Question- Well written document, lakeshore property owner has problem with Zone 1 & 2 Why is the lakeshore property owners being singled out, this is unfair distinction. Everyone pays taxes. Where should the compliance be, a specific area or the Town as a whole?

Resident believes there should be two zones, unless a catastrophic event happens, waste water does not travel over a couple hundred feet, another resident disagreed, groundwater coming out of outlet during a recent storm, muddied the lake for thousands of feet. There are many streams and water flowing into the outlet, also from PY Municipal discharge.

Resident- Believes number of bedrooms is a ridiculous formula for size of septic, had a realtor in his house who stated if a room does not have a door it is not a bedroom.

Question- Past summer rain created flooding along Arrowhead Beach, this water came from upland. Criminal penalties is absurd. It should not be up to the Town to impose a law, NYS must step up create a wastewater law.

Question- Zone 1 will be inspected every 5 years, many tanks around lake are undersized, old, and need replacement.

CP- If a tank is not inspected routinely and there is a failure, usually it is too late and the whole system fails.

Question- Why have the tank pumped if you don't use the system a lot. No problems

CP - Routine inspections will help identify defective systems to be repaired before whole system failure.

Question- Many of his neighbors have undersized old systems, how can these be addressed. Zone 1 inspections will catch these undersized systems and due to age, deterioration will cause failure.

CP- If a wastewater system is failing without inspections it may be contaminating well water and neighbor wells within 500' without knowing it, a real health risk.

Cheater pipes out of basements with no end contaminate the area.

Question- Do aerobic systems need inspections, if they are regularly inspected already.

CP- If following manufactures requirements for inspections on aerobic twice a year for warranty purposes, only a tank would need inspection.

Question- What if a 250 gal tank is inspected, would the whole system failed and needed replacement? Could a 250 gallon tank be installed.

CP- The number of bedrooms would determine the size of tank and system.

Question- Should Rid X be used

CP- Rid X has been found to not help system or yeast. Pumpers have a big convention show every year, Rid X does not attend, as their science is not recognized in the industry.

Medicines and diet is a big contributor for failing systems.

Question- Is there fees or Zone 1 inspection.

No, the only fees is for new system permits and property transfers.

Question- Why in Section 15 does it say advisory board would consist of town board member, planning board member, a professional familiar with wastewater policies or resident. Why would a subject matter expert be needed?

CP- This was added in as a caveat to fill the third seat on the board.

Dyes are only used in extreme cases to locate where a catch basin was running

Pumpers have cameras now that are very useful for identifying problem areas.

They run them through the system.

Joe Mugavero thanked the committee for all their due diligence and hard work on this draft He does live in the 200' zone.

Question- Could the inspection zones be a step process 5 years-8years-10years program. If so in 10 or 15 years these concerns could be addressed and answered townwide. Everyone in the room wants good air, clean soil and clean water as the survey from the comprehensive plan revealed. We are the stewards of the earth.

CP- If the Town Board does their due diligence to protect the lake, maybe property owners will step up also. This is a good place to start. Maybe this could be put in the comprehensive plan update that is due in 2018. "Future vision for the lake and watershed."

Question- How was 10 year inspection determined for zone 2?

CP- At the first public hearing on this law in 2011 there were over 100 attendees agreed that all property 200' and greater away from the lakeshore and streams should also be inspected but due to the distance every 10 years would be sufficient.

Question- How many homes in the two zones and streams and who would do the inspections.

CP- Estimated 725 septic systems in the town ( including Dresden). 285 septic along lakeshore 40 along streams in Zone 1 and 360 in Zone 2 about 40 streams. Watershed Inspector would do the inspections.

Holding tanks would be annual inspections. Other towns inspect in blocks, having 5 blocks mapped out to cover the five year schedule. Inspecting in blocks the property owners could get together to schedule pump-outs and save money. If a system fails it may take upward to 6 months to complete the repair.

Question- What causes a failure?

CP- Majority of failures is due to broken baffles, perforated tanks or broken lines. If the system is pumped out and inspected on a routine schedule many of these failures can be found and corrected before the whole system fails.

Question- Chemicals like fertilizer and pesticides used in vineyards and wineries go into ground water eventually make its way to the lake. Should there be penalties assessed here.

CP - This is a storm water issue, outside the subject at hand which is wastewater.

Question- It has been determined that effluent from PY Municipal does not require UV light treatment before wastewater is released into the Keuka Outlet, what about the farms field tile running off into the outlet. Who does monitoring on this or is this just ignored.

Supervisor- Storm water does not go through the wastewater plant.

CP- This is DEC jurisdiction, it is regulated with SPDEs permits (State Pollutant Discharge Elimination System) this regulates discharge into body of water.

Supervisor would like to see Article 15 & 16 removed. This is very clear, either the system passes or fails

There is no gray area. Policy and procedures are black and white.

Question – Would the committee ever consider putting in a step program, every 5 years go to 500', 1000' so on, that in 20 years the town would be inspected

Question- Why not the appeals process? Residents need to be able to voice their concerns on a decision that could greatly impact them financially.

Question- What about storm water control with the chemicals flowing into lake.  
Resident who works along with NYS DEC stated that at a regional meeting several years ago of the DEC reclassification of the lakes was introduced and that Seneca Lake had been reclassified from impaired water body to crystal clear water with no issues to it. This made funding dry up. Many stakeholders at this meeting argued the fact of the seaweed problems to no avail.

Question- Has anyone looked into the state for help, funding or grants for septic systems?

CP- Most of the avenues for grant opportunities have disappeared, especially environmental grants.

Linda Lefko reported- She has checked into grants with NYS Environmental Agency rep. JC Smith, money is available for large groups/municipalities for sewer systems but non to the homeowners.

Dwight James reported - Bishop Sheen has funding for low income for septic system repairs.

Question- Will big companies in the Town be under this scrutiny. They use showers and toilets

CP- If speaking on wastewater and the company is in zone 1 area if the company uses over 1000 gallons of water a day it would fall in another category, under the jurisdiction of DEC or Dept of Health. Some trailer parks and campgrounds fall into this category and must get permits through these agencies.

Question- Is this for village and country, Fixed income and lower income property owners that have replaced tank for a concrete one within 20 years, why should they have to be inspected, no problems with his system. Thinks this law is stupid.

CP- If there is a failure, property owner would not know and with equipment failure all the effluent could be running directly into tank and ground. When the whole system fails, ie: water backing into home, then there would be a major financial burden replacing the entire system along with engineering fees. This is the point for inspections to prevent whole system failures.

Question- Why not have the septic pumper cleaning out the tank inspect.

CP- Pumpers do not want the responsibility of inspecting systems.

Question- Why doesn't the town build a sewer system?

CP- Cost. The cost for sewer is higher than a water district, there is no water system throughout the town. For the sewer system to function it needs water system.

Question- About # 16 why not have an appeal process, you can appeal your assessment.

Supervisor- Either your system passes or fails, what are you going to appeal on a failed system your going to fix it. This is his opinion on the law.

With no one desiring to speak further, Supervisor closed the hearing at 8:15pm

Respectfully submitted,  
Betty Daggett- Town Clerk