



Nassau County Soil & Water Conservation District  
1864 Muttontown Road, Syosset, NY 11791 T: (516) 364-5860

## **NASSAU S.E.P.T.I.C. GUIDANCE MEMO #3**

**TO:** Nassau County Municipalities  
IA OWTS Manufacturers  
Septic System Design Professionals

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

**SUBJECT:** Nassau County's S.E.P.T.I.C. Program Guidance for Instances where NYS Setbacks may be Relaxed for Repairs and Retrofits of Existing Systems with Nitrogen-Reducing IA Systems

**DATE:** August 24, 2021, revised August 17, 2022

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The Nassau County Soil and Water Conservation District (District), has been delegated and authorized by Nassau County to implement and administer the Nassau County Septic Environmental Program To Improve Cleanliness (S.E.P.T.I.C.) grant program. As such, the District is positioned to provide technical support to municipalities, industry professionals, homeowners, not-for-profits, and small business owners interested in utilizing State and County grant funds to replace conventional systems and cesspools with innovative and alternative (nitrogen reducing) onsite wastewater treatment systems (IA/OWTS).

This guidance memo is being provided to all Cities, Towns, and Villages on the North Shore of Nassau County (municipalities) that have unsewered areas targeted for upgrades through the S.E.P.T.I.C. Grant Program, as well as IA OWTS manufacturers and design professionals.

One issue that has arisen is how to deal with instances where Property Owners are only looking to upgrade their old antiquated septic systems and cesspools and are unable to comply with the [New York Department of Health Residential Onsite Wastewater Treatment Design Handbook](#) and [Appendix 75-A](#).

We would like to advise you that New York State designed the Grant Program so that pre-existing properties can replace their old antiquated septic systems and cesspools with nitrogen removal systems on small lots without going through a formal waiver process in the event of such conditions. This would not apply to any renovations, tear downs, or new

construction (which is not eligible for the grant program) and would only apply to Property Owners installing IA OWTS.

New York State included the following language in their program rules and regulations (emphasis added):

- Nitrogen-reducing septic systems, or IA/OWTS are the only systems that are eligible for the grant program on Long Island.
- "In all cases, the least expensive, technologically appropriate alternative needed to upgrade a system as close as is reasonable to Appendix 75-A will be eligible."
- "this program does not require that existing non-complying sewage disposal systems that do not meet the standards of New York State Public Health 10 NYCRR Appendix 75-A (Appendix 75-A) but are not failing nor is a Reasonably Likely to Fail System in the near future be upgraded or replaced to 75-A standards."

It also states:

- "Wherever feasible, a failed or a Reasonably Likely to Fail System shall be brought into full compliance with Appendix 75-A. When full compliance with the standards of Appendix 75-A is not feasible or practicable, the system should be upgraded based upon best professional judgment to the extent feasible to maximize protection of public health and safety. Advanced or enhanced treatment units may also be considered, where practical. Departure from the parameters of Appendix 75-A shall be minimized to allow for the best feasible upgrade within the borders of the lot, while preserving public health, safety and the environment"

It is also important to note that the New York State Department of Health (NYS DOH) Design Handbook for Residential Onsite Wastewater Treatment Systems, of which includes Appendix 75-A, identifies the need to develop an "approval and management program" for these IA OWTS that includes the following:

- Define program goals and requirements
- Educate engineers, contractors, and public on IA OWTS and Codes
- Oversee site evaluation, design, construction, and maintenance
- Provide system tracking, maintenance verification and record keeping
- confirm availability of service providers for products to be used
- establish adequate authority, enforcement, and compliance incentives.

Based on this, NCSWCD encourages municipalities to develop their own construction standards, guidelines, or other IA/OWTS requirements that best reflect the needs of their communities while working in collaboration and consultation with industry professionals. However, it is not the intent of the County or District to place the burden of tracking, management, or training solely on the municipalities. The District intends to review and accept the IA OWTS technologies authorized as part of the Grant Program and will track and enforce the O&M and performance of these systems. As such, the District will be issuing an additional guidance memo that

identifies minimum requirements for the Acceptance, Use, and Management of IA OWTS in Nassau County which will include the following:

- a) Guidance for manufacturers of technologies seeking Experimental, Piloting, Provisional, or General Use Acceptance in Nassau County.
- b) Performance standards, verification, and enforcement in regard to total nitrogen.
- c) Inspection, Operation, Maintenance, and Management requirements and enforcement provisions for IA OWTS.

These additional guidelines will be circulated for comment in the coming weeks and we would value your input. The District will also be scheduling several virtual meetings for municipalities, the industry, and property owners over the next few months and we value your participation and help in getting the word out to interested parties.

If you have any questions, please feel free to contact Derek Betts, District Manager, Nassau County Soil and Water Conservation District at 516-364-5861 or by email at [dbetts@nassauswcd.org](mailto:dbetts@nassauswcd.org).