

Information for the Town of Eaton regarding Enhanced Treatment Units

On April 12, 2019, the Town of Eaton filed a local law to amend Chapter 150 (Sewers) of the Code of the Town of Eaton. NYS in a letter dated April 26, 2019 to James T. Stokes (attorney for the town), confirmed that Local Law 1 & 2 2019 were filed. These comments only pertain to Local Law No. 2.

The Legislative Findings and Purpose on page 1 of 5 states:

The Town Board of the Town of Eaton hereby finds that the proper construction and maintenance of private septic systems, which service all developed properties in the Town outside of the Village of Morrisville, is of crucial importance to the health, safety and welfare of the Town's residents and the water quality and ecology of the lakes within the Town. The purpose of this legislation is to further promote the health, safety and general welfare of the community by ensuring, through the appropriate location, construction, and use of properly designed facilities, that waste discharged from wastewater treatment systems does not contaminate any drinking water supply or lake or other surface body of water, is not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water, and is not a nuisance resulting from odor or unsightly appearance, or otherwise a health hazard by being accessible to persons and domesticated animals or otherwise a danger to lake ecology by discharging undesirable nutrients that negatively impact water quality.

Section C. Occasions which require a mandatory inspection are as follows: (sale of property)

(3) (a) The report shall consist of the OTN System Inspection Information Request and System Inspection Findings Worksheet as set forth in Appendix A appended to the end of this chapter. For purposes of this provision, this report shall remain valid for three years from the date of inspection. Aerobic Tank ETV (sic) [should be ETU which stands for Enhanced Treatment Unit] must be checked each year and a report sent to the Town of Eaton Codes Officer annually.

(5) Any noncompliance with the provisions of this section 150-13 shall constitute an offense which shall be deemed a violation. Each day of continuing violation shall constitute a separate and distinct offense and violation punishable by a fine not to exceed \$250 or fifteen (15) days imprisonment, or both such fine and imprisonment, for each day of violation.

This amendment was enacted by the Town Board. The exact wording can be found at the town codes website or search for Town of Eaton NY e360 codes.

Larry Cesario has said that he would accept whatever form of report the manufacturer recommends. Norweco, who makes most of the units in use at Hatch and Bradley Brook Lakes, has a checklist contained in the owner's manual. I have re-typed that checklist for installers to use when doing an inspection. To my knowledge, there were two Norweco systems at Bradley Brook who received this written inspection this summer. There are other manufacturers involved but I do not know exactly which ones.

A few issues that require further study:

This inspection requirement is only mandatory when a property changes ownership (can also include putting a property into a trust). The line stating an "Aerobic Tank ETV must be checked each year and a report sent to the Town of Eaton Codes Officer annually" appears to be restricted to property ownership changes - in keeping with the spirit of the "Legislative Findings and Purpose", shouldn't it include all ETUs?

"Currently, there is no statewide law in NY that requires property owners to inspect, maintain, or upgrade existing septic systems. It's up to the local or county government." ¹

I am not a septic expert at all (although I did audit a septic inspector class in Cayuga County). I'm a lake property owner who spent quite a bit of money for a safer septic system who wants to be sure that septic improvements work properly to protect our biggest investment - our lakes.

I look to the town to study these issues and consider changes. I would be happy to assist in any way I can.

Carol Borg
Bradley Brook Reservoir

¹ <https://protectadks.org>