



**Meeting Notes**  
**LGPC Ad-Hoc Septic Systems Committee**  
**9/8/22**

**Attendees:** Ken Parker (LGPC Commissioner, Chair), Joe Stanek (LGPC Commissioner), Bill Mason (LGPC Commissioner), Cathy LaBombard (LGPC Commissioner), David Floyd (LGPC Commissioner), Kathy Muncil (LGPC Commissioner), Kevin Kenyon (NYSDOH), Tom Snow (NYSDEC), Walt Lender (LGA), David Miller (ADK Council), Sean Doty (Suozzo Engineering), Tom Jarrett (Jarrett Engineers), Claudia Braymer (Warren County), Ethan Gaddy (Warren County), Hannah Neilly (Essex County), Dave Wick (LGPC Executive Director), Joe Thouin (LGPC Staff), Jason Kokkinos (LGPC Staff), Justin Luyk (LGPC Staff), Karla Buettner (LGPC Counsel)

**Location:** Zoom

**Time:** 2:00-3:30 PM

**Discussion:**

- Welcome and Brief Update (Ken Parker, Chair)
  - Chairman Ken Parker welcomed the Committee to the meeting and noted the proposed regulations have been reviewed by the governor's office and are now open for public comment through November 14th, 2022.
  
- Q&A - Draft Regulations and SAPA Documents (Dave, Karla)
  - Dave Wick led a group discussion about the details of the proposed regulations and inspection program.
  - Cathy LaBombard commented that the regulations and supporting documents were easy to understand for the public, despite being repetitive at times.
  - Walt Lender questioned if there was significant changes or edits requested from the Governor's office. Dave Wick responded that the general language of the regulations has stayed the same, in large part due to the contributions and support from DOH and DEC early in the drafting process.
  - Claudia Braymer expressed support and noted the documents were well written, although they are different than Warren County had intended for their own regulations. Claudia, Ken, and Dave all agreed that public participation and education has been relatively successful to this point.
  - Sean Doty questioned about the program's process for handling septic tanks that were recently installed and met existing DOH standards. Joe Thouin noted that a

- substandard system is defined, in part, as being not “expressively permitted”. In the program, a properly permitted system that was substandard to current codes would not require an upgrade to new standards unless it was found to be failing.
- Cathy LaBombard asked about short term rental homes that meet current DOH and LGPC standards but are overused and fail. Joe Thouin responded that proposed LGPC regulations continue to consider bedrooms, not occupants, like NYSDOH Appendix 75A regulations. Kevin Kenyon noted that many towns in the Lake George Basin have pursued local laws that restrict occupancy to the septic design size in short term rentals. Dan Barusch gave the example of Lake George which pursues this policy in homes with septic tanks, noting it has been successful.
  - Bill Mason questioned about the process of inspecting properties that are a result of complaints from neighbors noticing failure. Dave Wick noted that in this process, the Commission would notify the local DOH or DEC, as is currently done.
  - Claudia Braymer questioned about the process of enforcement in the proposed regulations. Karla Buettner and Joe Thouin noted the process would be similar to other enforcement cases by the LGPC (NYCRR 646-3.10), upwards of \$500 per day issued payable fines.
  - Review authority was confirmed to be the municipalities in Warren County and Essex County. In Washington County, the County Department of Health is the review and approval authority. DOH and DEC maintain their concurrent jurisdictions, unaffected by this new inspection program.
- Next Steps (Karla Buettner, LGPC Counsel)
    - Karla led the group discussion on the process of NY State adopting the LGPC’s proposed wastewater regulations. At the date of this meeting, the documents had all been published to the State Register.
    - The Public Comment Period is currently open for 60 days, whereafter a Public Hearing is scheduled for Wednesday, November 9th, 4pm, at the Fort William Henry Conference Center. After this time, there will be an additional 5 days of Public Comment (November 14th). LGPC Staff will then address all submitted comments, assemble a summary of findings, and present to the Commission at the next scheduled meeting. The Commission will then vote on adopting the regulations. If adopted, the Regulations are then resubmitted to the NY Department of State Register and published after 2 weeks. If there are significant changes in these regulations, they would need to be resubmitted again to the Governor’s Office for the same procedure.
    - The earliest expected publishing to the NY State register is December 2022 to January 2023, with the new regulations effective following this step.
  - Lake George Septic Replacement Grants (Hannah Neilly and Ethan Gaddy)
    - Hannah Neilly discussed the three successful rounds of funding from NY State BSC to assist in funding of septic tanks. 50% of the project cost up to \$10,000 is covered for replacement systems in this program. The grants have been split between Lake George near Ticonderoga and bays of Lake Champlain. Hannah noted that most

- replacement costs are around \$20,000 to \$25,000. There is an estimated \$300,000 of total remaining grant funding that Hannah sees being helpful for those within 250 feet of the lakeshore.
- Dave Wick requested data from the counties about project cost; Hanna noted the cost was anecdotally higher around Lake George than Lake Champlain.
  - Ethan Gaddy discussed the two successful rounds of funding for Warren County. There is a backlog of applications and Warren County staff is determining the best way to allocate funds to existing and potential projects. Ethan estimated septic systems cost an average of \$30,000 for replacement around Lake George.
  - David Miller noted that funding may increase from the EPF, as it is often tied to need. The ADK Council plans to petition for extra funds. Hannah Neilly mentioned that the funding may need to be spread among upland or tributary properties as well as lakefront and that Essex County is pursuing additional funds from the State.
  - Cathy LaBombard shared her experience with Washington County's program for septic replacement led by Corrina Aldrich of the SWCD. It was positively received by the community.
- Other Items
    - Hannah Neilly mentioned that Essex and Washington County SWCD's hold regular septic system management training, which may be helpful for the upcoming program.
  - Adjourn
    - Chairman Parker thanks the Committee for a productive meeting and adjourns.