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## **Rural Area Flexibility Analysis**

### 6 NYCRR Subpart 646-3: Wastewater Management

#### **1. Types and Estimated Numbers of Rural Areas**

The Lake George Park is a generally rural area comprising of approximately 300 square miles in land and water surface area, with one Village (Lake George) and several municipal hamlets (Bolton, Hague, Ticonderoga, Huletts Landing). Of the approximately 255 miles of land surface, 100 square miles is State-owned forest preserve. The entire Park is located within the Adirondack Mountain region, occupying an area at the south-eastern portion of the Adirondack Park. It is characterized by steep forested mountains and hillside slopes with a number of streams, smaller lakes, and ponds. Lake George is a 44 square mile, glacially-formed lake that is 32 miles long, has an average width of 1.5 miles, and an average depth of approximately 70 feet. Lake George includes approximately 131 miles of shoreline and is fed by more than 150 streams.

Development in the Lake George Park is concentrated along the lakeshore and nearby State highways of Route 9, 9L and 9N. There are fifteen local government entities, three counties and twelve municipalities all, or partially, within the Lake George Park. The population of the park expands by ten-fold in the summer months due to the seasonal/tourist nature of the Lake George area.

#### **2. Reporting, Recordkeeping and Compliance Requirements**

Under the proposed regulations, the Lake George Park Commission will administer all facets of the septic system inspection program, including planning, implementation, and administration. No part of the inspections themselves are anticipated to be performed by any other agency, municipality, or organization. All record keeping, reporting and compliance regarding the inspections will be the sole responsibility of the Commission.

Following an inspection, the Commission will determine whether the septic system is functioning adequately or needs repairs/replacement/upgrade. Commission staff will administer and oversee all routine repairs of septic systems that do not require permits or other approvals by another regulatory authority. Approval authorities in the Lake George Park consist of local consolidated

Boards of Health, County health department officials, and/or DEC and DOH (depending upon residential/commercial and location of the property). For any septic system upgrades or replacements that require an approving authority to review, the Commission will formally submit the inspection information to that authority, noting the details of the inspection, findings, and requirements to update the system. This will put the administering authority on notice that the property owner will be submitting plans to them for approval to upgrade the septic system. The Commission will track all such required upgrades and keep in contact with the property owner and approving authority to help ensure a smooth process for the system approvals and installation. A regulated party's failure to comply with the inspection findings will be subject to enforcement by the Commission.

This process has been discussed in detail with the approving authorities around the Lake George basin, and all such authorities approve of this arrangement and support this initiative. The Commission will divide the annual inspections among all involved towns each year to help ensure that one approval authority is not overwhelmed with applications and approvals.

### **3. Costs**

The costs for property owners in the inspection program area will be \$50 per year for residential properties, and \$100 for commercial properties. Ninety five percent of the properties in the inspection program are residential, with only five percent being commercial. The program fee will offset the cost of the Commission's seasonal staffing needs for the inspections and administration, with additional busy scheduling times or off-season work supported by existing Commission program staff.

Additionally, each property in the inspection program area will be required to have its septic tank pumped out once every five years. Regular pump-outs are recommended by DOH and DEC; this cost is likely already borne by a considerable percentage of the owners.

Costs of needed of repairs or upgrades identified during the inspection would be borne by the property owner. Research indicates that most issues found during septic inspections result in low-cost repairs, such as broken speed levelers, conveyance lines, baffles, and similar structural issues. Approximately 10-20% of the inspections conducted in the lakes and towns with existing inspection programs studied had larger issues requiring system upgrades or major repairs. Properties with such malfunctioning systems will need to be upgraded or replaced with costs being borne by the property owner.

The State of New York has a new grant program to help offset the costs of septic system upgrades for priority waterbodies like Lake George; this program is expected to be funded soon. The available grant dollars will likely not address all the properties in need of upgrade but could be a

significant resource for property owners in need. In addition, thanks to efforts by the nonprofit Lake George Association, some local banks now provide low interest or interest free loans for homeowners to upgrade their septic systems in the Lake George watershed.

The proposed regulation would modestly increase demands on existing Commission staff, requiring additional inspections during off-season times or assisting when inspection workload becomes too great to accommodate during the busy summer months. With two seasonal inspectors backstopped by the Commission's six existing program staff, these additional demands can be built into the existing Commission structure. The annual income and cost of the program are anticipated to be approximately \$130,000.

#### **4. Minimizing Adverse Impact**

The proposed regulation is not considered to have an undue adverse impact to the regulated community. There are many lakes in New York State and throughout the Northeast that have administered recurrent septic system inspection programs for decades that are very similar to the Commission's proposal. Discussions with the managers of these programs indicate that the inspection programs have not created significant hardship within their regulated communities, and that the programs have been very successful at identifying failing septic systems and protecting public health and water quality.

To help minimize adverse impacts, each wastewater approving authority within the Lake George Park maintains a variance/hardship procedure. Variances can be sought for specific issues of lot size, depth to bedrock or water table, and similar issues. Also, requisite upgrades can be allowed extra time for design and construction based upon the threat to public health and water quality.

#### **5. Rural Area Participation and Outreach**

The Commission has held many publicly available meetings with representatives from municipalities, agency staff, wastewater design professionals, business representatives, and environmental groups related to the proposed program and regulations. These conversations included discussions of alternative means and methods of ensuring that all private wastewater systems within proximity of Lake George and its tributaries are functioning effectively. No alternative methods have been revealed that would be less burdensome to property owners and businesses while, at the same time, meet the objectives of the proposed program. The nine municipalities surrounding Lake George have been very supportive of this proposed initiative, with most sending full resolutions of support to the Commission. The Commission continues to provide educational information about the program on its web site and would work with the local

media, not-for-profit groups and other agencies such as DEC and the DOH to seek their assistance in a public outreach and education campaign.

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