

East Hampton Unveils First Septic System Replacement Mandate, CPF Rebate Program

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East Hampton Town officials this week unveiled progressive new legislation that will mandate all new commercial and residential construction and major renovation projects to install the latest nitrogen-reducing septic systems.

Town officials simultaneously unveiled a new septic replacement rebate program that will reimburse qualifying homeowners in the town's most critical watershed for 100 percent of the cost of replacing aging septic systems with newer ones that reduce nitrogen.

The two bills, which have yet to be formally introduced and scheduled for public hearings, would make East Hampton the first town in Suffolk County to mandate the use of new septic technology designed to reduce the amount of nitrogen released into the environment in wastewater—and also the first of the five East End towns to roll out an aggressive septic upgrade effort using Community Preservation Fund revenues, a portion of which are now available for water quality improvement projects. Based on last year's CPF revenues, East Hampton Town would have somewhere around \$6 million to spend on water quality this year.

"We need to find a way to replace these antiquated cesspools and septic systems that are clearly a threat to water quality, and our quality of life, throughout the town," Supervisor Larry Cantwell said at Tuesday's Town Board work session. "We're going to mandate [that any] new construction, you've got to have the new technology. That takes care of us going forward. The question is how to provide enough incentive to get people to upgrade what's already in the ground."

The legislation presented to the Town Board by town attorneys on Tuesday would set up a three-tiered rebate program, with varying levels of town subsidies for anyone with a household income below the state STAR exemption threshold of \$500,000. Those above would not qualify.

The largest incentive, covering 100 percent of the replacement cost up to \$15,000, would go to all homeowners in the town's water protection districts, which are areas where shallow groundwater tables and proximity to tidal water bodies mean that nitrogen in wastewater reaches surface waters very quickly. Residents in much of Springs, west of Accabonac Road and the Springy Banks area would be eligible for the largest rebates.

At a presentation late last year, the manufacturers of two of the nitrogen-reduction septic systems that have been approved for use in Suffolk County said the systems will cost about \$16,000, though costs are expected to drop steadily as more systems are approved for use in the county. County officials said there should be as many as a dozen different systems approved for use by this spring.

Homeowners with cesspools but who are not in a water protection district will be eligible for a 50-percent rebate, up to \$10,000, to replace a cesspool with new technology—and if their household income meets the town Housing Authority's threshold to qualify for affordable housing, the rebate will go up to 75 percent.

All other homeowners who want to replace existing septic systems will be eligible for a 25-percent rebate, up to \$5,000.

The initial version of the law does not make accommodations for the annual operation and maintenance costs of the new nitrogen-reducing technology, which use electricity and require biennial inspections and maintenance. Manufacturers have said the systems will cost about \$300 per year to operate. The town has said it plans to hire a sanitation officer using CPF revenues to handle inspections of new septic systems.

At the outset, the legislation will require that the new septic systems being installed be proven to reduce nitrogen levels in wastewater to less than 19 milligram per liter, though the law allows that as systems are approved by the county that will reduce nitrogen levels even further, the minimum in the town requirements will be ratcheted down further for future installations. That compares with typical septic ring systems in use since the 1980s, which release 50 mg/l of nitrogen into groundwater.

The mandate on new construction will cover any new homes and any renovation or expansions that increase the size of a house by 50 percent or more, or cost 50 percent or more of the assessed market value of the existing house.

Assistant Town Attorney Nancylynn Thiele said that the town's goal with the legislation was to set its own regulatory bar higher than that of Suffolk County's in terms of requiring new septic systems. Mr. Cantwell hinted that the already high bar that would be set by this legislation, if it is adopted, could be pushed further in the future, and replacement deadlines for existing cesspools could be added. He also said the town could adjust the dollar amounts it is willing to give to a homeowner to upgrade their septic.

"If you think we should provide more of a rebate, I'm open to that," he said to Councilman Fred Overton, who had raised the question of how the town reached the \$15,000 limit for the 100-percent rebate. "As these systems become more proven, this process will accelerate. At some point, there may be phased-in deadlines. There's all kinds of ways to approach this."



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