

LOCAL LAW – ADOPTED NOVEMBER 17, 2017

SECTION 1. Legislative Intent.

This legislation is intended to establish a rebate program to encourage the voluntary upgrade or replacement of sanitary systems identified as potential sources of nitrogen pollution in the Town's surface waters and sources of drinking water (the aquifer).

SECTION 2. Amendment

The Shelter Island Town Code is hereby amended to add a new Chapter 88 (Low-Nitrogen Sanitary System Rebate Program) as follows.

CHAPTER 88: Low-Nitrogen Sanitary System Rebate Program

§ 88-1. Definitions.

Approved Costs - those costs associated with the upgrade/replacement of a current sanitary system with a Low-Nitrogen Sanitary System including equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or installation of the new Low-Nitrogen Sanitary System, which have been reviewed by the Water Quality Improvement Project Advisory Board and are deemed to be appropriate and necessary for the replacement of the particular system on the specific property. In determining whether a cost is appropriate and/or necessary, the Water Quality Improvement Project Advisory Board will consider the usual and customary costs of certain equipment, materials, and labor, as well as any characteristics of the property that may aid or hinder the replacement.

Eligible Property Owners – all owners of residential property within the Town of Shelter Island served by a septic or cesspool waste system.

Low-Nitrogen Sanitary System - any sanitary system that has been approved by Suffolk County Department of Health Services that has shown to reduce nitrogen levels to 19 milligrams or less per liter, until such time as Suffolk County Department of Health Services approves a sanitary system that reduces nitrogen levels to 10 milligrams or less per liter at which time that will constitute a Low-Nitrogen Sanitary System and the previous systems reducing to 19 milligrams or less will no longer constitute a Low-Nitrogen Sanitary System.

§88-2. Low-Nitrogen Sanitary System Upgrade Rebate Program:

- A. Eligible property owners who upgrade/replace their existing sanitary system with a Suffolk County Department of Health Services approved Low-Nitrogen Sanitary System, are eligible from the Town of Shelter Island for a rebate to reimburse for the cost of such replacement so long as the project does not result in the accommodation of new or additional growth.
- B. The rebate will be for the reimbursement of approved costs associated with upgrade/replacement including but not limited to equipment, labor, materials and excavation directly related to the removal of the existing sanitary system and/or installation of the new Low-Nitrogen Sanitary System. The Town Board, by resolution duly adopted from time to time, shall establish the amount of the rebate.
- C. Shelter Island rebates can be used in conjunction with County rebates for approved new Low-Nitrogen Sanitary System expenses. The Suffolk County rebate is the

primary rebate and will provide funds up to the maximum they have authorized. Verified expenses in excess of the county rebate would then be covered by the Shelter Island rebate up to the maximum amount authorized by the Town Board in the Conditional Rebate document. In no circumstance applicants may receive more than the total cost of the project.

§ 88-3. Rebate Eligibility Procedure

- A. Eligible property owners must submit a rebate application to the Water Quality Improvement Project Advisory Board providing the information necessary to process the rebate. Such information shall include, but is not necessarily limited to: the current sanitary system on the property; the proposed sanitary system; current location of the sanitary system; proposed location of the replacement system; a letter from an engineer certifying retention to design and obtain permits for a low-nitrogen system for the owner; and any other information required.
- B. Once an application is complete, the Water Quality Improvement Project Advisory Board shall make a recommendation to the Town Board on whether a rebate is appropriate.
- C. Upon receipt of this referral, the Town Board shall grant or deny a conditional rebate approval by resolution, identifying conditions which applicant must satisfy including the replacement of the sanitary system within six months of the conditional approval. The Water Quality Improvement Project Advisory Board has the discretion to issue an extension for good cause shown.
- D. The Applicant's engineer must then design the I/A system, obtain Suffolk County Health Department permits, obtain a Shelter Island Septic Registration Permit, and install the I/A system.
- E. Once the upgrade/replacement of the sanitary system is complete, the eligible property owner must submit to the Water Quality Improvement Project Advisory Board, a Suffolk County Department of Health Services WWM-073 Form including green stamped plan (if available) and a notarized certification from the contractor who performed the upgrade/replacement which must include:
 - (1) That the upgrade/replacement of the sanitary system was performed in compliance with the requirements of the Suffolk County Department of Health Services; and
 - (2) A statement or receipt detailing the actual costs for equipment, labor, materials and excavation directly related to the removal of the current sanitary system and/or upgrade/installation of the new Low-Nitrogen Sanitary System.
 - (3) Upon receipt of all documentation required under this section, the Water Quality Improvement Project Advisory Board shall recommend the issuance of a rebate up to the amount applicable for approved costs, for approval by the Town Board*.

§ 88-4. Funding

Funding for the Low-Nitrogen Sanitary System Rebate Program may be provided as a water quality improvement project under Chapter 50 of the Town Code. Payment of rebates shall

be subject to availability of funding under such project.

SECTION 3. - Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §261.

SECTION 4. - Severability.

If any section of subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. - Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

*Town Board adopted reso establishing rebate at up to \$15,000 on 11/17/17