

ALLEGANY COUNTY DEPARTMENT OF HEALTH
Policies and Procedures for Conducting Sanitary Surveys

References:

A. Allegany County Sanitary Code (ACSC), Article III, “*Required Inspections of Septic Systems and Private Water Supplies Prior to Transfers of Residential Real Property*”

B. New York State Sanitary Code (NYSSC), Subpart 5-1

c. 10 New York Codes Rules and Regulations (NYCRR) Appendix 75-A “*Wastewater Treatment Standards-Residential Onsite Systems*”

I. Appendix 75-B “*Individual Water Supplies –Treatment Systems*”

II. Appendix 75-C “*Individual Onsite Water Supply Systems-Statewide Water Quality Standards*”

III. Appendix 5-B “*Standards for Water Wells*”

1. **Background:**

a. Failing septic systems are a potential source of ground water contamination with pathogenic organisms, such as bacteria, parasites, and viruses that can affect public or private water supplies and cause disease. Besides complaint investigations, sanitary surveys are often the only way the health department finds failed septic systems. Once identified, these systems can be repaired or replaced, thus eliminating potential public health hazards.

b. Contaminated private water supplies can result in illness to the users of that water. The New York State Department of Health recommends that every private well/spring be tested annually for bacteria such as total coliforms and *E.coli*. Testing of a private water supply as part of a sanitary survey helps to determine if the water is potable, or is contaminated and unsafe for consumption. While a sanitary survey can identify septic system deficiencies that could cause this contamination, other potential sources of contamination may exist. An investigation should be made to identify these potential contamination sources and eliminate them, if possible, if they are found.

c. Completion of a sanitary survey, including water testing (if needed), protects the health and well-being of an individuals or family purchasing a property that is serviced by a private sewage disposal system or private water supply, which in turn protects the health of the general public as well.

2. **Policy**

a. Per Article III of the Allegany County Sanitary Code (ACSC), it is the policy of the Allegany County Health District (ACHD), through the Allegany County Department of Health (ACDOH), that sanitary surveys of septic systems must be conducted to assess the functioning of these systems, as part of real estate property transfers, before these transfers are completed.

b. The sanitary survey will be conducted in accordance with these policies and procedures in order to meet the requirement that the “premises be inspected and examined to the satisfaction of the Public Health Director” and the Public Health Director or his/her designee issue a certificate of satisfaction to the parties involved in the sale.

c. Parties involved in a real estate transfer who do not follow this policy, and complete a transfer without a sanitary having been completed, will be cited for violation of Article III of the ACSC.

d. If a property being transferred is served by a private water supply (well, spring, cistern, etc.), the water must be tested and analyzed by an ELAP certified laboratory to ensure compliance with New York State drinking water standards. The water sample **MUST** be collected by a representative of the ACDOH, or its designated representative. A party to the sale **MAY NOT** collect a water sample and have it count as satisfying the water sampling requirement for a sanitary survey. The water sample must be analyzed for total coliform and *E.coli* at a minimum.

e. Surveys will only be conducted on seasonal residences that be occupied for a period of at least 60 days in any calendar year. A seasonal residence, used less than 60 calendar days per year, may be tested at the request of the buyer, seller, or both but special notation will be added to the report stating that it did not meet the occupancy requirements set forth on the Allegany County Department of Health Sanitary Survey Application.

f. Sanitary surveys shall be good for a period of six (6) months from the date of inspection listed on the report. The date of inspection is the date that the inspector visited the property, **NOT** the date that the report was completed.

3. **Procedures:**

Application and Fee

Before a sanitary survey is schedules and conducted, the following must occur:

a. A completed application requesting a survey must be received by the health department. The health department provides these applications in person, located on the webpage, and anytime upon request.

b. The application may be completed and submitted by any party involved in the transaction, but is usually received from the property seller, or their attorney or real estate agent.

c. A sanitary survey fee of \$200.00 for septic testing only must be received with the application. If a private water supply must also be tested, an additional \$60.00 per sample for this service must be provided. The standard turnaround time for bacteriological water sample, if analyzed by ACCEL is 2-3 days. If the sample is taken to an outside lab and analyzed, the turnaround time can be up to four (4) weeks.

d. Upon receiving the application and fee, the inspector will be notified. The inspector will then take action necessary to schedule and complete the sanitary survey. It is necessary to have all portions of the application filled out in order to contact the party that will be scheduling the inspection.

e. The inspector should also attempt to identify the system and its components by checking the septic system files maintained in this office. If the file is not found, or the system was installed before records were kept, the inspector should make a reasonable effort to determine the location of the system and its probable components by talking with the current owner, septic contractors who may have worked on the system in the past, etc.

f. Sanitary Survey fees are non-refundable once processed by the Department of Health.

4. *Completion of the Sanitary Survey*

Pre-Inspection Conditions

Surveys are scheduled in accordance with the following:

a. There must not be any snow cover, and/or the ground cannot be frozen. Surveys cannot and will not be scheduled or conducted when these conditions are present. To cover the uncertainty involved with adverse winter weather conditions, it is the general policy of this department that sanitary surveys will not be conducted between mid-November to the end of March.

b. The property to be surveyed must be occupied continuously (i.e., lived in) for a minimum of 30 days prior to the date of inspection. Someone stopping at the property to flush a toilet, do laundry, shower, or run water into the septic system a few times a day/week does not constitute property occupation. No survey will be scheduled or conducted under these or similar conditions.

c. The entire top of the septic tank must be uncovered, so the inspector can open any and all septic tank lids (typically 2 lids minimum per tank), so that the inspector can look inside the tank to check for the presences and/or condition of the baffles inside the septic tank. The ACDOH reserves the right at any time to require additional components of the septic system to be uncovered for inspection to gain a better understanding of the functioning of the system.

d. After the inspection is completed, the inspector must require that the tank be pumped unless proof (pump receipt, copy of cashed check) that this was completed within the past three (3) years of the survey date can be provided.

e. The septic tank must not be pumped prior to the survey, as the tank must be full in order to conduct a dye test of the system. The inspector will determine if the septic tank needs to be pumped in order to conduct the survey. If this is the case, the survey will have to be rescheduled to a time when the septic tank is once again full and up to the appropriate level.

Dye Testing:

To properly dye test a septic system, the following must occur:

a. A sufficient amount of dye should be placed into the toilet and one or more fixtures if necessary, such as the sink.

b. As much water as possible should be run into the septic system to ensure the dye properly dissolves and is moved from the toilet and/or fixtures and into the septic tank. Sinks should run continuously during the dye test, and toilets should be flushed as often as possible.

c. The septic tank must be observed to see if dye is moving into and through the tank, and toward the leaching system. Use of a long stick or pole to stir the septic tank contents will help the dye move quickly through the septic tank and into the absorption system.

d. All grey water lines MUST be plumbed into the sewage disposal system or an approved grey water system. If the ACDOH does not have a record of the approved grey water system on file, the system is not considered approved, and the grey water lines must be tied into the existing septic system or an approved grey water system installed, whichever is more cost effective. If the plumbing is routed to the existing sewage disposal system, a minimum of 30 days must be met before dye testing the system to ensure that the existing septic system can indeed handle the additional water load.

Evaluation of the Septic System after Dye Testing:

After dye testing is completed, the system should be observed for signs and evidence of failure. Generally speaking, system failure is determined from observation of any of the following:

a. Sewage is seen to be backing up into the septic tank. When this occurs, it indicates the absorption system can no longer handle large flows, or that the line from the septic tank to the absorption system is damaged or plugged and in need of repair or the system is in need of replacement.

b. If the dye is no observed in the septic tank at all after both flushing it down the toilet and in the sinks, this may indicate that the line from the home to the septic tank may be damaged or plugged and in need of repair or replacement.

c. A sewage discharge to the ground surface, roadside ditch, stream, pond, storm sewer, or other body of water is observed. Such as observation is often seen or confirmed as a result of the dye test. As sewage discharges can occur at great distances from the septic tank and absorption system, the inspector must survey the entire area surrounding the system, to include neighboring properties.

d. If possible, the inspector should make every attempt to ensure all toilets and fixtures, such as sinks, washing machines, dishwashers, showers, etc., are plumbed into the septic system or an approved grey water system. This should include a check to see that all drain lines are connected to the main sewer leading to the septic tank. If such conditions exist where it is unreasonable that the inspector check the plumbing, i.e., crawl space, confined space, no comfortable checking in the basement or other location for plumbing, it is the responsibility of the buyer, seller, or both to ensure that all water lines are tied into either the septic system or approved grey water system.

e. The inspector should also check to ensure that basement sump pumps, floor drains, and foundation drains, etc., are NOT connected to the septic system in any way as this may cause an additional water to enter the septic system.

f. If the septic system is composed of an aerobic digester/digestor unit, this unit shall be serviced by a certified agent and maintained in accordance with the manufacturer's instructions or guidelines. At a minimum for property transfers, if the system has not been serviced in the past year, prior to the inspection date, or the inspector determines the motor or any other components are not functioning properly, the inspector may require additional service. A service contract must be maintained for the life of the aerobic digester/digestor unit and a copy submitted to this office. A list of aerobic digester/digestor units will be kept by this office to track who needs service and who is maintaining a service contract.

5. Repair or Replacement of a Failed Septic System

When a survey reveals that a septic system has failed, repair or replacement of the system is required to eliminate public health hazards that could arise. If the property no longer transfers and the system was found to be failing, the system **MUST** be repaired or replaced regardless of transfer. Often, repair or replacement work will include only certain sections or components of the system. Full replacement may be necessary for older systems, or for systems where there are signs of multiple failures and simple repairs will not enable code requirements to be met.

a. **Septic Tanks:**

A septic system itself may not be failing. However, the survey may show that the septic tank needs to be replaced for any number of circumstances or reasons. Policies and procedures for the replacement of a septic tank, if deemed necessary through the completion of a sanitary survey, are as follows:

- I. All damaged septic tank **MUST** be replaced (including cave-ins, large observable cracks)

- II. The volume of the septic tank is an important factor in the design and functioning of a septic system. During some inspections, the existing tank may have to be pumped in order to determine its volume, to see if it meets capacity requirements.

- III. All existing steel septic tanks **MUST** be replaced regardless of structural integrity, presence of rust, or other deterioration. The steel septic tank must be replaced with a concrete, dual chambered septic tank to include an effluent filter and the new septic tank must meet the required volume based on the number of bedrooms in the residence.

- IV. When an existing septic tank (plastic, steel, or concrete) has 500 gallons or less of capacity, it must be replaced with a concrete, dual chambered with an effluent filter septic tank with capacity based on the number of bedrooms in the dwelling. The required capacities for new septic tanks include:
 - 1-3 Bedrooms-1,000 gallon concrete, dual chambered, effluent filter
 - 4 Bedrooms-1,250 gallon concrete, dual chambered, effluent filter
 - 5 Bedrooms-1,500 gallon concrete, dual chambered, effluent filter
 - 6 Bedrooms-1,750 gallon concrete, dual chambered, effluent filter

Please add 250 gallons additional tank volume for every bedroom in excess of 6. When spa tubs over 50 gallons or garbage grinders are present in the dwelling, an additional bedroom will be counted for the presence of these items for the purpose of volume of the septic tank.

- V. If the current septic tank does not meet current NYS capacity requirements for the number of bedrooms in the dwelling, is not creating a public health hazard, is not leaking, a strong recommendation from this office to upgrade the septic tank

will be issued as well as a recommendation that the pumping/maintenance schedule be increased.

VI. If the septic system is failing, the septic tank MUST then meet NYS requirements for septic tank capacity outlined above.

VII. When a septic tank is required to be replaced due to an inspection for a sanitary survey, this office must conduct a final inspection prior to backfilling in order to satisfy the sanitary survey requirement.

b. **Septic Systems:**

In addition to damaged tank, other failed components of a septic system must be repaired or replaced. Within Allegany County, it is the sole responsibility of the ACDOH to authorize or approve any action needed to repair or replace a failed septic system.

I. A permit must be received from the health department before any repair or replacement work can begin on a septic system. There will be a permit fee of \$150.00 to obtain a permit to install a conventional system, and a permit fee of \$200.00 to obtain a permit to install a non-conventional system where the plans must be submitted to a New York State licensed engineer or architect for review and approval.

II. The health department will issue the permit and design, inspect, and approve for use any new, repaired, or replaced septic system.

6. **Provisional Certification when Sanitary Surveys Cannot be Conducted:**

Per Article III of the ACSC, certain factors may prohibit sanitary surveys from being conducted. These factors include environmental conditions (snow cover, frozen ground), tall grass, building vacancy, etc.

During these times, the health department will issue, upon request from an appropriate party involved in the property transaction, a provisional certification. This certification will enable the property transfer to be completed prior to the time a sanitary survey can be conducted. Relative to the issuance of provisional certifications, the following information is provided:

a. The major factor affecting the health department's ability to conduct sanitary surveys is the weather. When snow cover or frozen ground becomes potential day to day events, surveys will not be performed. Generally, they are not scheduled again until the possibility of sustained snow cover or frozen ground has ceased. This means that no surveys are scheduled from approximately November to April annually.

b. Weather factors such as those indicated above may occur in a way that delays or expands the period when surveys are not scheduled. Surveys will be scheduled accordingly during these periods.

c. The second major factor preventing the completion of a sanitary survey is vacancy of the dwelling. If a dwelling has been vacant for a period of greater than or equal to five (5) days, a survey will not be completed. The dwelling must be occupied continuously for a minimum of 30 days in order for a survey to be conducted. If a water test is also required, the 30 day occupancy period does not apply and the water can be sampled immediately.

d. When surveys cannot be performed, but provisional certification is needed to complete a property transfer, a completed sanitary survey application with the required fee must be submitted to the health department with the appropriate boxes checked. Provisional certifications will not be issued until the application and fee are received.

e. Property transfers completed through provisional certification do not have to have an escrow account established to ensure adequate funds are available to correct septic system deficiencies identified when the survey is completed. Instead, the Health Department requests that the sales contract include which party to the sale (buyer, seller, or both) will be responsible for the correction of any deficiencies to the sewage or water system.

7. Testing of Private Water Supplies:

For a property with a private water supply, the seller has the responsibility to ensure the water conforms to biological standards for potable water before transfer can occur. Thus, testing of the water for coliform bacteria is conducted as part of the sanitary survey to assess its biological quality. This testing and any follow-up requirements proceed as follows:

a. The inspector collects a water sample from the property in questions, and submits the sample to a State certified laboratory, or to the Wadsworth Laboratory of the New York State Department of Health, for analysis.

I. If the water tests satisfactorily, this is noted in the report section of the sanitary survey application form, and no further action is required.

II. If the water is contaminated with coliform bacteria and/or *E.coli*, it is deemed non-potable or unsatisfactory. This is documented on the report section of the sanitary survey application.

III. If the water is contaminated, the property owner or responsible party is given information on disinfecting the water supply and to schedule a re-sampling for the 10th day following the disinfection process.

IV. If the water is still contaminated after the second test, the health department will make a recommendation as to what action should be taken. This may include additional disinfection efforts and testing, or a recommendation for the installation of a disinfection unit.

b. If during repeat testing a satisfactory result is obtained, no further testing is required.

c. The ACDOH is the only authorized agency within Allegany County for recommendations on bringing a bacteriologically contaminated private water supply into compliance with standards for potable water. These recommendations are the responsibility of the person offering the property for sale to implement, unless the buyer agrees to assume this responsibility.

8. **Documentation and Submittal of Sanitary Survey Results**

Upon completion of all aspects of a sanitary survey, including inspections, water testing, system repair or replacement, etc., all related forms and paperwork are submitted to the Environmental Health Division's Public Health Technician for the following:

a. Filing of the current year's sanitary survey results, alphabetized by township

b. Submittal of sanitary survey results to appropriate parties involved in the survey request or property transaction, including any party listed on the application.

c. Submittal of documentation of approval of septic system repair or replacement, or for installation of a new septic system, to the appropriate parties involved in the real estate transaction.

d. The Public Health Technician also files and maintains hard copy sanitary survey documentation from two (2) years prior. These files are kept in the Environmental Health Division for use as needed by division staff. After the two (2) year mark, the files are destroyed in a manner acceptable to the Public Health Director.

9. **Sanitary Surveys by Private Contractors Trained by Allegany County Department of Health**

Individuals outside of the health department may desire to conduct sanitary surveys as private, independent entities. If a private, independent entity wants to conduct sanitary surveys within Allegany County, the following must occur:

a. They must be an Allegany County resident or resident of contiguous county (Livingston, Wyoming, Cattaraugus, etc.).

b. They must have general knowledge of the policies/procedures of the sanitary survey as well as general knowledge of sewage disposal systems

c. The individual must be trained by one of the Environmental Health Division sanitarians on the techniques, policies and procedures to use when completing a sanitary survey in Allegany County. The individual achieves this by participating in the completion of at least one sanitary survey, from start to finish.

d. The individual must conduct the surveys in accordance with Allegany County and New York State Sanitary Codes, and the policies and procedures of the ACDOH, as contained herein. Failure to do so will result in revocation of the individual’s certification, and the individual will be unable to apply for re-certification for a period of one (1) year.

e. Individual entities may establish their own fee schedules for performing sanitary surveys. They do not have to follow the fee schedule used by the Health Department.

f. Individual entities may use the Health Department’s sanitary survey application and report form, or one of their own choosing, as long as it contains all the information included in the Health Department’s form.

g. The ACDOH reserves the right to deny any individual entity from certification or revoke certification at any point for just cause.

****This policy and procedure supersedes all other policies and procedures previously published by this office****

STANDARD OPERATING GUIDELINE REVISION HISTORY

Revision Number	Date	Revision Author	Job Title	Description of change
00	10/27/2010	Thomas E. Hull	Deputy PH Director	Initial Implementation
01	03/24/2014	Thomas E. Hull	Deputy PH Director	Update to Previous Policy and Procedure
02	09/21/2016	Tyler J. Shaw	EH Director	Revision to Previous Policy
03	07/29/2019	Tyler J. Shaw	EH Director	Revision to charge for water sample, spelling/grammar corrections, section 5(a) spelling correction
04	7/9/2020	Jami D’Arcy	EH Director	None
05	11/4/2020	Jami D’Arcy	EH Director	Added that fees are non-refundable under section 3(f)