

# FREQUENTLY ASKED QUESTIONS (FAQ) ON-SITE WASTEWATER TREATMENT SYSTEMS (revised 11/12/20)

## GENERAL QUESTIONS

### **1. Why do contractors need to be registered with Chemung County Health Department?**

The Chemung County Sanitary Code stipulates that registration is required prior to undertaking any alteration (where a permit would be required) or installation of an on-site wastewater treatment system.

### **2. Who is exempt from registering as a contractor”?**

The only people that would not have to register would be a homeowner performing work on their own occupied residence if they don't utilize professional assistance.

### **3. Who is responsible for obtaining an OWTS construction permit?**

The contractor performing the work is responsible for obtaining a construction permit unless the owner qualifies for a homeowner exemption.

### **4. If more than one contractor will be used for the total project to install the OWTS, do ALL contractors need to obtain a permit?**

No. Only one permit for the job will be required. Generally, the contractor that actually enters into an agreement with the homeowner would be the one to get the permit. Any other contractors would be considered subcontractor. They would still need to be registered with the Department. This could come into play if the main contractor isn't authorized to install an Aerobic Treatment Unit and has to subcontract with another contractor who is.

### **5. How do I know if a contractor has registered with the Health Department?**

The Health Department will maintain a list of registered contractors on our website at [www.ChemungCountyHealth.org](http://www.ChemungCountyHealth.org) and will keep that list up-to-date. Prior to signing a contract with a contractor, check the list to make sure that they are registered. This is also a benefit to contractors as it could be considered free advertising.

### **6. If public sewer is located close to my property, do I need to connect to it?**

If you have an OWTS that is currently functioning properly, the Health Department will most likely not require that you connect. However, if the system fails you will be required to connect to the public sewer if it is available and accessible, as determined by the Health Dept.

### **7. What if I have a question that is not listed on this FAQ sheet?**

You can contact the Chemung County Health Department, Environmental Health section at **737-2019**, with any questions.

## CONTRACTOR QUESTIONS

### **8. How does this code affect those persons or organizations that construct OWTS?**

A person or organization that performs work on an OWTS is considered a contractor and is required to be registered with the Health Department. Individual employees of a registered contractor do not need to each register independently. The registration process is quite simple. Contractors will be required to follow all the codes, rules, and regulations related to an OWTS. *Contractors will be required to obtain a construction permit prior to working on an OWTS.*

### **9. What will happen if I'm a contractor and I construct an OWTS without a permit?**

A septic system that is installed without a permit is considered an **unapproved** septic system and could open you up to legal action by the homeowner. Additionally, you could be subject to an enforcement action by this department which could include fines of up to \$500 per occurrence. Finally, you could have your registration revoked by this department which would prohibit you from any further OWTS construction in Chemung County.

### **10. What will happen if I'm a contractor and I construct an OWTS and I'm not registered with the Health Department?**

The Health Department will only issue a permit to a registered contractor. Therefore, if an OWTS is constructed and you are not registered, that means that you did not obtain a permit. Contractors that construct an OWTS without being registered may face an enforcement action which will include monetary penalties.

### **11. What is the process for a contractor to register with the Health Department?**

You must complete a one-page application which is available on our website at [www.ChemungCountyHealth.org](http://www.ChemungCountyHealth.org) and submit a nominal fee along with proof of Worker's Compensation and Disability insurance or, if applicable, a Worker's Comp and/or Disability exemption form, CE-200. *See instructions attached to the application for details.* Once registered, the contractor's name will be placed on the list of registered contractors on our website and a registration certificate will be sent to the contractor.

### **12. What is the fee required to register as a contractor with the Health Department?**

There is a nominal fee that will be listed on the Environmental Health Fee Schedule on our website at [www.ChemungCountyHealth.org](http://www.ChemungCountyHealth.org) . This fee will register you for a 5 year period.

**13. Why do I need to provide information on the contractor registration application related to Worker's Compensation/Disability Insurance coverage?**

Section 125 of the General Municipal Law requires contractors applying for a construction permit to prove to the permit-issuing official that they are in compliance with the mandatory coverage provisions of the Worker's Compensation Law prior to issuance of a permit. Also, the Health Department is required to obtain this proof prior to issuance of the permit.

**HOMEOWNER QUESTIONS**

**14. How does the contractor registration requirement affect a property owner?**

A property owner is not responsible for obtaining a construction permit, but they will be required to hire a registered contractor to perform the work.

**15. Can a property owner install an OWTS without registering as a contractor?**

Yes, there is an exemption for homeowners that are able to install an OWTS by themselves. However, this is limited to a conventional type of septic system. They will also be required to demonstrate the ability to perform the construction with no professional assistance and must sign an acknowledgement of the conditions of such exemption.

**16. What will happen if I obtained a permit to construct the OWTS myself, but shortly after getting started on the project I realize that I am unable to complete the work?**

You will need to hire a registered contractor to complete the work. However, prior to any further work being performed on your property the contractor must contact our office and complete a permit transfer application which includes a small fee. This will allow the septic permit to be transferred to contractor so that they can legally perform the work.

**17. What happens if a property owner does not get an approval from the Health Department for their OWTS?**

The Health Department could take an enforcement action against a property owner for not having an approved OWTS. Additionally, if the property owner tries to sell the property, a lending institution or a lawyer may not approve the sale without an approved OWTS. Another problem could arise if a property owner wants to obtain a building permit to construct an addition to the home or add an appurtenance. The building code official could potentially refuse to issue a permit if the building is not served by an approved OWTS. These last two consequences do occur quite often and it puts the property owner in a very difficult position.

**18. What if I want to obtain a permit for my undeveloped parcel of land so that I can show prospective buyers that the parcel is approved by the Health Department for development?**

A permit can only be issued to a contractor to perform the construction of the OWTS. The Chemung County Health Department could issue you a site evaluation for your parcel. This would have all the information and design specifications as a permit except that it would not give you permission to perform construction. That form would say that the parcel is able to be developed and that a permit would be issued to a registered contractor upon proper application. This should be sufficient.

**19. How will I know if the contractor I hired has actually obtained a construction permit?**

A copy of the approved septic permit will either be mailed to the homeowner or emailed to them if an email address is provided to our office.