

**RESOLUTION NO. 1026 -2015, ADOPTING LOCAL LAW  
NO. 40 -2015, A LOCAL LAW AMENDING CHAPTER 563 OF  
THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS  
RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on October 6, 2015, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC INDUSTRY BUSINESS TRAINING;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 40 -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW AMENDING CHAPTER 563 OF THE SUFFOLK  
COUNTY CODE TO MODIFY THE LAWS RELATING TO SEPTIC  
INDUSTRY BUSINESS TRAINING**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds and determines that the provisions of Article VII of Chapter 563 of the SUFFOLK COUNTY CODE were enacted to provide the County of Suffolk with the means necessary to regulate septic industry businesses and require such businesses to be licensed to protect the health, safety and general welfare of the consumers of Suffolk County.

This Legislature further finds that in 2014, it approved the use of funds from Fund 477 Water Quality Protection for the Innovative Alternative Onsite Wastewater Treatment demonstration program to test these treatment systems and to gather the data necessary for the County Department of Health Services to determine if these systems should be approved for general public use to improve water quality within our County.

This Legislature also finds that to ensure protection of the public's health and water quality, and upon the recommendation of the Department of Labor, Licensing, and Consumer Affairs and the advice from the County's Septic Licensing Board established under Chapter 563, it is necessary to require continuing education under specialized license endorsements to ensure that installers and service providers of these Innovative Alternative Onsite Wastewater Treatment systems have the proper training and experience.

This Legislature further finds that there are many specialized services within the liquid waste service industry, that there is growing concern as to the effectiveness of the existing licensing structure regarding these specialized services, and that establishing a continuing education requirement for these specialized services under a process of license endorsements

will provide an added measure of accountability to the public in the liquid waste licensing process.

Therefore, the purpose of this law is to amend Article VII of Chapter 563 of the SUFFOLK COUNTY CODE to require all new liquid waste license applicants, and all existing liquid waste license holders prior to their next license renewal, to apply to the Department of Labor, Licensing, and Consumer Affairs for endorsement for the specialized service or services they provide to the public and to comply with the continuing education requirements in order to protect the public, create contractor accountability and maintain consumer confidence in the licensing process.

**Section 2. Amendments.**

Article VII of Chapter 563 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 563**

**LICENSED OCCUPATIONS**

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**Article VII**

**Septic Industry Businesses**

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**§563-76. Definitions.**

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**COMMERCIAL, INDUSTRIAL, RESIDENTIAL SEPTIC TANK/SEWER DRAIN TREATMENT, BACTERIA ADDITIVES AND MAINTENANCE BUSINESS**

A business engaged in the installation, repair or maintenance of any septic tank/sewer system, wastewater treatment, disposal system and any graywater systems, including but not limited to the hauling of any type of liquid waste within the County of Suffolk.

**CONTRACT**

An oral or written agreement contained in one or more documents for the performance of work, which includes all labor, goods and services.

**CONVENTIONAL SEPTIC SYSTEM**

An onsite sanitary system consisting of a septic tank and any associated interconnecting piping, a leaching structure(s) and any associated interconnecting piping, or a cesspool and any associated interconnecting piping, that does not have any active or mechanical means of treatment or any supplemental filtration components.

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### **ENDORSEMENT**

A license certification issued by the Department that confirms that the applicant has obtained the required specialized training in a specific area, owns the necessary equipment as required, and authorizes such applicant to practice in that area for the duration of the license.

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### **INNOVATIVE AND ALTERNATIVE TREATMENT SYSTEM**

An onsite wastewater treatment system approved or being piloted by the County that provides for enhanced treatment of wastewater for the increased reduction of organic matter, pathogens, and nutrients.

### **LEACHING STRUCTURE**

Any leaching pool or drain field that meets Suffolk County Sanitary Code and/or New York State Sanitary Code Appendix 75A specifications.

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### **WASTE LINE CLEANING**

A method for the removal or dislodging of solids, roots, or other foreign debris clogging waste dispersal line(s). Methods can include, but are not limited to, aeration, jetting (pressurized water cleaning), or chemical treatment.

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### **§563-77. License required; contracts.**

A. It is unlawful for any person, other than those exempt under the provisions of this article, to engage in any commercial, industrial or residential septic tank/sewer drain treatment, bacteria additives and maintenance business, as defined herein, in Suffolk County without obtaining a license, inclusive of the required endorsements with requisite continuing education as defined under §563-79, therefor from the Office in accordance with and subject to the provisions of this article.

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### **§563-78. Exempted operations.**

Exemptions shall be as follows:

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- [D. A business or its employees where such business pertains only to residential facilities and such business is in possession of a home improvement contractor's license, pursuant to Suffolk County Code Chapter 563, Article II, §563-16 et seq. The exemption shall be for licensing provisions of this article only. The other requirements of this article shall apply to such businesses.]

**§563-79. Application procedure; qualifications; issuance of license; required endorsements; continuing education program for endorsement renewal; exemptions from application fees.**

I. Application procedure; qualifications; issuance of license.

- A. All applications for licenses shall be submitted in writing, on forms furnished by the Department of Labor, Licensing and Consumer Affairs (Department). Such applications shall be accompanied by a nonrefundable application fee of \$200 from all applicants, other than those exempt under the provisions of this §563-79. In order to obtain and hold a license under this article, an applicant shall have applied for and obtained the appropriate endorsement or endorsements required for the particular work or services to be performed as set forth at §563-79.II. Applications for endorsements and renewal of endorsements shall be submitted in writing, on forms furnished by the Department and shall be accompanied by a nonrefundable endorsement application fee of \$200 from all applicants for each endorsement other than for those applicants seeking their first endorsement for any two (2) year license period and for those applicants exempt under the provisions of this §563-79. The application fee for an endorsement shall be prorated for the remainder of the term of the license in the event an application for an endorsement is made while a license under this article is unexpired. Each endorsement shall be for a period of two (2) years from the date of issuance of a license under this article and shall expire on the last day of the 24<sup>th</sup> month of issuance of such license. Subsequent renewals of all endorsements shall be for periods of two (2) years.

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II. Required Endorsements.

All applications for licenses and license renewals must include an application for the pertinent category or categories of endorsement(s) as set forth below at subparagraphs A. through K. to provide the particular work or service(s) under this article. For each endorsement other than endorsements set forth below at subparagraphs J. and K., each applicant must have at least five (5) years of verifiable and documented trade experience within the last ten (10) years in the trade for which the license is being sought. For endorsements set forth below at subparagraphs J. and K., each applicant must have at least five (5) years of verifiable and documented general industry experience within the last ten (10) years. Verifiable and documented trade experience must include the following: a) pay stubs, W2 forms, Federal or State tax returns showing employment with a licensed contractor, or a statement from previous employer verifying term of employment; and b) trade references. Endorsements necessary to perform the particular work or services under this article are as follows:

A. Septic Tank Pumping, Cleaning, and Maintenance Endorsement.

Any work that requires pumping, servicing, cleaning, system rehabilitation services or minor repairs to residential, commercial, and/or industrial conventional septic systems, cesspools, and wastewater holding tanks, and/or performing assessment of the overall health of a conventional septic system and/or coordinating preventative maintenance and pumping with property owners, requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; (ii) successful completion of a pump/vacuum truck training program approved by the Department; and (iii) either (a) successful completion of a Long Island Liquid Waste Association ("LILWA") training class and passage of the LILWA certification test; or (b) successful completion of a similar training program approved by the Department.

B. Grease Trap/Grease Interceptor Cleaning and Maintenance Endorsement.

Any work that requires cleaning and/or maintenance of grease trap waste, which is a mixture of wastewater, food particles, and grease from sinks, dishwashers, and drains from within the kitchen of restaurants and food preparation establishments requires this endorsement. This endorsement requires the following: (i) proof of ownership of a pump/vacuum truck dedicated for pumping grease trap waste; and (ii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

C. Yellow Grease/Fryer Oil Collection Endorsement.

Any work that requires collection of yellow grease, which is oils and greases collected within the kitchen and preparation areas before it has been comingled with wastewater requires this endorsement. This endorsement requires the following: (i) proof of ownership of a pump/vacuum truck dedicated for pumping yellow grease; and (ii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

D. Temporary Restroom Facilities Endorsement.

Any work that includes servicing of portable toilets or temporary restrooms and/or the waste generated therefrom requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; (ii) successful completion of a health and safety certification program approved by the Department; and (iii) successful completion of a training program approved by the Department in pump/vacuum truck operation.

E. Waste Line Cleaning and Inspection Endorsement.

Any work that includes residential, commercial, and/or industrial septic systems waste line cleaning, video inspection, and/or electronic locating (use of flushable or magnetic location device) requires this endorsement. This endorsement requires the following: (i) proof of ownership of dedicated jetting or waste line cleaning equipment; and (ii) successful completion of a LILWA training class and passage of the LILWA certification test or completion of a similar training program approved by the Department.

F. Bulk Liquid Waste Transportation Endorsement.

Any work, not including service to a conventional septic or innovative and alternative treatment system, that includes industrial liquid waste bulk transportation requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; and (ii) either (a) successful completion of a LILWA training class and passage of the LILWA certification test; or (b) successful completion of a similar training program approved by the Department.

G. Vactor (pump/vacuum) Services Endorsement.

Any work that includes residential, commercial and/or industrial vactor services requires this endorsement. This endorsement requires the following: (i) proof of ownership of a dedicated pump/vacuum truck for sanitary and/or organic waste; and (ii) either (a) successful completion of a LILWA training class and passage of the LILWA certification test; or (b) successful completion of a similar training program approved by the Department.

H. Conventional Septic System Maintenance Inspector Endorsement.

Any work that includes performing baseline first maintenance inspections (FMI) and routine maintenance inspections (RMI) of conventional septic systems requires this endorsement. This endorsement requires the following: successful completion of a septic system inspection class and passage of an examination as approved by the Department.

I. Conventional Septic System Installation Endorsement.

Any residential, commercial and/or industrial work that includes only conventional septic systems installation, replacement and/or major repair requires this endorsement. This endorsement requires the following: either (a) successful completion of a LILWA training class and passage of the LILWA certification test; or (b) successful completion of a similar training program approved by the Department.

J. Innovative and Alternative Treatment System Installer Endorsement.

Any work that includes installation of innovative and alternative treatment systems requires this endorsement. This endorsement requires the following: (i) successful completion of a training program approved by the Department for innovative and alternative treatment system installation; (ii) receipt of an installation training certificate from the manufacturers of all specific technologies being installed (including drain fields); and (iii) possession of a conventional septic system installation endorsement I.

K. Innovative and Alternative Treatment System Service Provider Endorsement.

Any work that includes inspection, operation, maintenance, and/or minor repair services on innovative and alternative treatment systems requires this endorsement. This endorsement requires the following: (i) successful completion of a training program approved by the Department for advanced system operations, maintenance and repair; and (ii) certification by manufacturers of all technologies they service that are currently

approved or are being demonstrated and are under review by the Suffolk County Department of Health Services.

III. Continuing Education Program for Endorsement Renewal.

A. Applicants seeking to renew an endorsement under this article any time after two (2) years subsequent to the effective date of this law must have completed the following training contact hours ("TCH") from a training program only for the individual endorsements that (i) are available to the Department to review; (ii) have been approved by the Department, and (iii) appear on an approved list compiled by the Department:

i. For endorsements A. through H. at subsection II. above, applicants must have completed a minimum of eight (8) TCHs for each two (2) year endorsement renewal period. A maximum of four (4) TCHs obtained for safety related training may be applied toward the minimum required hours for any two (2) year endorsement renewal period;

ii. For endorsements I. through K. at subsection II. above, applicants must have completed a minimum of twelve (12) TCHs for each two (2) year endorsement renewal period. A maximum of six (6) TCHs obtained for safety related training may be applied toward the minimum required hours for any two (2) year endorsement renewal period.

B. The following TCH credits shall be available to all applicants for endorsements A. through K. at subsection II. above:

i. One (1) TCH for each full year of membership in a wastewater professional association that has been approved by the Department. A maximum of four (4) TCHs for such membership may be applied toward the minimum required hours for any two (2) year endorsement renewal period; and

ii. One (1) TCH for each TCH of course instruction where an applicant performs as an instructor for a Department approved training program course. A maximum of eight (8) TCHs obtained by being a course instructor may be applied toward the minimum required hours for any two (2) year endorsement renewal period.

[II]IV. Exemptions from Application Fees.

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**§563-80. Term of licenses; renewal; conditions.**

C. Failure to make application and pay the required annual fee for a license renewal prior to the expiration date of said license shall render the license null and void on the expiration date and require the licensee to submit a new application for an original license. Compliance with the provisions of this subsection and §563-79 II. and III. shall entitle the licensee to the renewal of his license, provided that such license has not been suspended or revoked by the Director prior to the expiration date.

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**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect one hundred and eighty days after it has been filed in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language.  
\_\_\_ Underlining denotes addition of new language.

DATED: December 1, 2015

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 16, 2015

After a public hearing duly held on December 14, 2015  
Filed with the Secretary of State on December 23, 2015