



BUILDINGS BULLETIN 2018-007

Technical

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Purpose: This bulletin clarifies the applicability of 1 RCNY §8001-01 for individual private on-site sewage disposal systems and the requirement for DEC permits.

Related Code/Zoning Section(s):

1	RCNY 8001-01
ECL	17-0803
6	NYCRR 750-1.4

Subject(s): Individual private on-site sewage disposal systems; applicability; discharge 1,000 gallons or more; residential; non-residential; industrial waste; non-sewage discharge; New York State Department of Conservation; State Pollutant Discharge Elimination System (SPDES) permit

I. Background

1 RCNY §8001-01 applies to individual private on-site wastewater treatment systems of:

- 1) Residential (one- and two- family) properties discharging less than 1,000 gallons of sewage per day containing no industrial or non-sewage wastes.
- 2) Non-residential properties discharging less than 1,000 gallons of sewage per day containing no industrial wastes or non-sewage wastes.

There are instances where a permit may be required by the New York State Department of Environmental Conservation (DEC) before obtaining a DOB permit for construction or use of the sewage disposal system. Per 1 RCNY §8001-01 (a) Applicability and scope (emphasis added):

“Pursuant to ECL § 17-0803 and 6 NYCRR 750-1.4 New York State Department of Environmental Conservation (DEC) has the authority to issue permits for a new or modified disposal system for a commercial or manufacturing use discharging any amount of sewage...”

For the purposes of determining DEC jurisdiction, the term “sewage” as used above means sewage as defined in 6 NYCRR 750-1.2 (a)(80) (with emphasis):

“... the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage as above defined of industrial wastes or other wastes as hereafter defined, shall also be considered sewage within the meaning of this Part.”

II. Interpretation

The word “sewage” in 1 RCNY §8001-01 (a) cited above shall be interpreted as sewage containing industrial wastes or other non-sewage wastes. When the new or modified disposal system discharges any amount of sewage containing industrial wastes or other non-sewage wastes, a DEC permit is required before issuance of a DOB permit for the construction or use of the system.

However, per 6 NYCRR 750-1.5 (a)(4)(i), State Pollutant Discharge Elimination System (SPDES) permits are not required for (with emphasis):

“the construction and use of a new or modified disposal system, point source or outlet, when such disposal system, point source or outlet is designed to discharge or discharges sewage effluent without the admixture of industrial wastes or other wastes to the groundwaters of the State when such discharge consists of a flow of less than 1,000 gallons per day;”

Therefore, in accordance with 6 NYCRR 750-1.5 (a)(4)(i), DEC approval is not required for the construction and use of a new or modified disposal system whose total discharge to the ground water:

1. Is less than 1,000 gallons per day of sewage wastewater, and
2. Contains no industrial and non-sewage wastes.

DOB will issue permits for systems that satisfy the above criteria.