

Sewer Task Force Status Report #1

Date: 2025-06-30

To: Town of Gardiner Board Members

Fr: Sewer Task Force (Members: R. Cerruto, L. Geary, P. Colucci, J. Benner, T. Penichter)

Executive Summary

Background

In 2018 the Gardiner WWTF (Wastewater Treatment Facility) exceeded 95% of its annual average daily design flow (57,000 gallons/day). This prompted the DEC to demand a remediation plan in April, 2019. Pitingaro & Doetsch, Consulting Engineers submitted a plan in July of that year which the DEC accepted. The plan involved a study followed by remediation work. The study to locate sources of inflow and infiltration (I&I) was conducted beginning March 2020. Work to fix the problems was conducted by Songer Contracting from October, 2023 to April 2024.

Current Status

1. During dry weather the flow is about 25,000 GPD, well below our DEC imposed limit of 57,000 GPD. During heavy rain, flow jumps to 157,000 GPD and in the exceptional rain we had in May 2025, to 208,000 GPD. These figures represent a 6X and 8X that of dry weather flow. Therefore the Gardiner sewer district still has a serious I&I problem.
2. Possible sources of I&I include: leaky manholes, leaky septic tanks, cracked pipes, leaky pump stations, leaky individual pumps, uncapped cleanouts and illicit sewer connections. We have thus far identified a minor inflow leak in the Mare's Lane pump station, a failing septic tank at 11 Fourth St. and two illegal sump pump connections at 11 Fourth St.
3. Taking into account the I&I study results, remediation work done, and recent observations, we think illicit sewer connections may be a strong contributor to I&I. We recommend all houses be inspected for illicit sump pumps and gutter drains. This work can be prioritized based on certain factors to pinpoint those homes most likely to have sump pumps. This represents a low-cost / high-return effort as compared to further video inspection of pipes, smoke testing and the like.
4. The new sewer law adopted in December, 2024 empowers the Sewer Superintendent to inspect houses for violations, but thus far neither H2O Innovations, nor anyone else, has been contracted to take on the duties of Superintendent. Until such inspections are conducted, the Sewer Task Force (STF) will be unable to confirm (or eliminate) a possible major source of I&I. If the Town considers H2O Innovations as our Superintendent, then by mutual agreement, their contract must be expanded to take on the relevant duties, most important to include inspection of houses for illicit connections. While the duties and responsibilities of the superintendent as contained in the law lend the position to be that of a Professional Engineer, we have an email from the DEC saying the Superintendent need not be an engineer. In any case, until the proper hire gets sorted out, the STF recommends a temporary superintendent appointment be

made, for the purposes of inspecting homes for illicit sewer connections. The inspection for such violations and accompanying penalty must be strong enough to compel the property owner to make the desired remedy in a timely manner. The current law sets a penalty of up to \$1,000 per day per violation in the new law. This should provide ample room for a sliding scale of penalty after a grace period for the homeowner to remedy the issue.

5. The sewer law should be reviewed and overhauled to fix certain things:
 - a. it calls for annual inspections, which are costly, unnecessary, and not mandated by the DEC.
 - b. it is unclear as to whether the town or the homeowner pays for septic tank maintenance (to include replacement).
 - c. There are many other “opportunities for improvement”. In fact, the STF has learned that within the some 63 pages of the sewer law only about ½ page, specifically § 172-501.” Proper design” is mandated by the DEC. The vast body of the law is not mandated by the DEC and therefore can be modified by the Town to suit our situation. Please see “Review of New Sewer Law” below for details.

The STF recommends the town revert to pre-2024 practice of Gardiner paying for septic tank upkeep and funding it through sewer assessment. The current enforcement mechanisms in the sewer law can be drawn out for a very long time, and during that administrative proceeding, a failed septic tank that is not replaced will continue to be in violation. If the Sewer District continues to replace a failed septic tank, as it has done for over 40 years, the violation is resolved much more quickly, the sewer collection system and the wastewater treatment facility are protected from inflow or other problems, and property owners will have the assurance that has existed over the past 40 years that the Sewer District replaces the septic tank when the need arises and the costs are covered by the O&M fee every user pays annually. We have the septic tank at 11 Fourth St. “taking in water and on the verge of collapsing”, identified as such in September 2024 during routine pump-out, with no action taken to fix it. See Figs. 7 - 9.

6. From time to time NYS grant funding for I&I remediation becomes available. Generally the town pays for studies to find the problem, then one can apply for funds to fix them. At this point, until the preceding measures are taken, the STF has determined that we are in no position to apply for a grant. The STF will of course monitor the available grants and consult with Millennium Strategies (grant writing firm) to stay current on available grants and be ready if/when we have a basis for applying.

Conclusion

The STF has evaluated the magnitude of the current I&I problem and reviewed the scope, limitations and efficacy of the I&I remediation work done to-date. We conclude the prior work

did little if anything to fix the problem. All physical evidence we've seen to date shows behavior consistent with illicit septic connections causing some 6-8 fold increase in flows during rain. The I&I study did nothing to check for illicit sump pump connections in individual homes in which the pump is connected to a basement drain pipe before it exits the home. Our physical observations are insufficient to say with certainty whether such connections are the primary cause of I&I. However as illustrated by the real example at 11 Fourth St which took just minutes of time to find, we conclude this is the "lowest hanging fruit", that must be investigated first. If it proves to NOT be a cause of I&I then we will move to more costly pipe and septic tank inspections.

A typical residential sump pump ($\frac{1}{3}$ horsepower, 20 gpm) running at half-capacity for 24 hours will add 14,400 gallons to the flow. It will take only four of these in the Sewer District to more than double the legal flow limit.

We recommend that the town board take the necessary actions recommended herein. It is the recommendation of the STF that inspections of homes, with proper notice, be undertaken as soon as possible by appointment of an interim Superintendent to determine if illicit connections exist in the Sewer District. Should the Town Board disagree with this recommendation, the STF requires further direction from the Town Board.

If illicit connections inspections and removal proved impractical, an alternate idea is to add a meter to the outlet of each residence's septic tank. Sewer fees would be based on flow. Homes with illicit hook-ups would see their bill skyrocket. This would provide an incentive to remove illicit hook-ups. We've not investigated the feasibility or cost of such a proposal, and at this time don't recommend further investigation until the primary recommendation of on-site inspection is fully exhausted.

Review of WWTF Flow data

Below are monthly charts of the WWTF flow vs. precipitation for the period 10/2024 - 5/2025. Also there is a chart for 1/2023 - 5/2025. The charts show during dry weather in 10/2025 the flow is around 25,000 GPD yet within 2 months on 12/12/2025 the flow spikes to 157,000 GPD after 1.96" of rain over a three day period. This is a 6-fold increase over dry weather flow. On 5/9/2025, flow peaked at 208,000 GPD, 8-fold increase over dry weather conditions. May, 2025 was a month with 11" of rain producing an average daily flow of 80,000 GPD. The preceding two months produced monthly averages of 66,000 GPD and 71,000 GPD. The average daily limit is 57,000 GPD *as specified by the New York State Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) permit (#NY0109096) the Gardiner Sewer District permit.* It is important to note that all the preceding figures correspond to measurements taken *after* the I&I remediation work was completed in April 2024. From these charts it is evident that the Town of Gardiner still has a serious I&I problem and that the tangible effects of the I&I study and remediation work were minor.

Limitations of I&I Study

Photographic Inspection

A company called New York Rural Water Association <https://www.nyruralwater.org/> did the camera inspection of certain of the district's pipes. NYRWA is a non-profit; they have also been working with the Town/Water Committee on water supply issues for the past 4 years. The "crawler" camera operated by this company could only work on 8" or large pipes. They had to use a lesser "push camera" for most of our district because we use mostly smaller pipes. This company charged about \$300/day for their work which is considered cheap. Darren Doetsch recognized that 4" crawler cameras exist, but the contractor did not have them. As a consequence only about 19% of our total piping was inspected. Note a pipe must first be hydro jetted, and flow halted, before being inspected.

Despite the limitations of the photographic inspection P&D Engineers reported "Overall, the piping was found to be in good condition. There were very few serious defects and sources of infiltration discovered during the video inspection. The structural defects are relatively minor because the system does not carry solids. During inspections, it was discovered that the minor structural defects had not resulted in any blockages or problems."

As such the STF recommends that further (costly) inspection of pipes be deferred until other likely sources of I&I are checked (namely illicit connections).

Flow Inspection

Flow inspection of water through selected manholes was meant to be done by Evan Osterweil at a company called North East Technical Sales <https://netechsales.com/>. For this task a pressure meter that sits in the stream of water was to be used. The meter requires a certain volume of water to flow above it in order to produce enough pressure to sensitize the meter. Gardiner's flow at the manholes did not have enough pressure so this method was abandoned and human visual inspection was done instead. This is, of course, less accurate than using a meter.

Smoke Testing

Smoke testing involves forcing smoke through a manhole lid and observing where the smoke emanates through the ground, etc. on a homeowners property. Smoke coming up through the ground indicates a leaky septic tank or lateral. The report says "Generally, smoke tests were concentrated in manholes with suspected direct connections of inflow or manholes that had heavy clear flow." The report further states "Septic tank risers along residential properties exhibited more smoke leaking than any other feature during smoke testing, indicating that the septic tanks are a source of infiltration in the system." The New York Rural Water Association performed the smoke testing.

Darren Doetsch confirmed that even though notices were sent to all homeowners, per his report, smoke testing was not done on all 179 connections in the district. They only tested those in areas that showed high flow as a result of visual inspection of manholes. Of 179 sewer connections 47 were smoke tested (26%) . Of the 47, 32 were called out to have new risers/lids installed. The P&I report says that 26 eventually had new risers/lids installed. Although the Songer bid sheet specifies 30 Darren confirmed this was a typo. Songer repaired 20 lids/risers.

The STF has details on which lids/risers were repaired and will put them into a database for the town. The bottom line is there are some 132 untested septic tanks that may need new risers/lids.

Hydro Jetting

The sewer district was divided into zones. Zones 2, 3, and 5 were visually inspected. Eight-hundred feet were hydrojetted- the same areas as video inspections. Darren confirmed that the hydro jetting specified in the study part of their report was limited to the section of pipe that was inspected with a camera. A company called TAM Enterprises in Goshen did the hydro jetting <https://tamenterpises.com/>. The Songer bid sheet also indicates hydro jetting was done as part of the remediation work. The STF has obtained details from Darren on what section of pipe was hydrojetted by Songer. Darren pointed out that hydro jetting the section of pipe between manholes 29 and 30 produced a strange pink sludge. This section of pipe is close to a hairdresser.

Clues on Sources of I&I

Since its formation the STF has consulted with Tom Harvey, Tyler Stene-Makela of H2O, Morris Cooper, Paul Colucci and Darren Doetsch. (In 1981 when the sewer system was installed, Paul Colucci worked as a subcontractor and installed many of the septic tanks. He also observed the installation of the sewer pipes).

The first clue is the WWTF flow reports. They clearly show that during high rain events and during periods of high water table, we get significantly more flow (up to 8X) than that of a dry period. Sources of such leaks could be leaky manholes, leaky septic risers, illegal sump pumps, uncapped cleanouts, individual pumps and cracked pipes/laterals. However the flow behavior lends greater weight to the leaks being within several feet of the surface rather than leaky sewer mains that are 6-18 feet below the surface. Looking at the various possibilities:

Manholes


Darren pointed out that manhole repair work focused more on remediating corrosive problems rather than I&I. To repeat, during inspections the manholes were not observed to be taking in water. Hydrogen sulfide which is a by-product of our hybrid septic system is corrosive to concrete. Repair involved spraying the insides of the manholes with a patching material made by a product called Parson. <https://vortexworld.vortexcompanies.com/> Because the manholes were not called out as sources of I&I that leaves illicit connections, leaky septic tanks, cracked pipes, leaky pump stations, leaky individual pumps, and uncapped cleanouts.

Illegal Sump Pump Connections

Tyler Stene-Makela of H2O Innovations (our WWTF Operator) has a hunch that most homes on the northern part of Dusenberre Rd. have sump pumps. Sump pump water is supposed to exit onto the ground, swale, culvert, etc., not into the sewer system. If these sump pumps are illegally connected to the inlet pipe of the septic tank, we won't see it through visual inspection during tank pump-out. One would have to enter the home and look at where the sump pump

water exits the property. We note that 3 illegal sump pump connections and one illegal gutter hook-up were found during the I&I study several years ago. These were all detected during smoke testing and were visible from outside the residence or from within a manhole or pump. Illicit connections that connect inside the basement are more difficult to find and likely require entering the premises. Darren said that Andy Lewis, the former Gardiner Code Enforcement Officer/Building Inspector did remove the 4 illicit connections when the I&I work was done. Whether the illicit connections were re-connected requires a new inspection by the sewer superintendent. The STF met with the current Code Enforcement Officer and he said such inspections fall outside his authority.

On 6/24 the tenant resident of 11 Fourth St. commented to the STF Chairman that during heavy rain the sump pump in his basement “ran constantly making quite a racket”. With permission from the tenant the Chairman inspected the basement the same day. He found two sump pumps in the basement draining into the outgoing sewer pipe. Photos are shown in Fig. 1 - Fig. 3 and a video can be found here:

 [Video of two sump pumps draining to septic tank.MOV](#)

This is the type of illicit connection that is a primary source of inflow for which the town must inspect.



FIG. 1 - SUMP PUMP 1 AT 11 FOURTH ST.



FIG. 2 - SUMP PUMP #2 AT 11 FOURTH ST.



FIG. 3 - DRAIN PIPE COLLECTS OUTPUT FROM SUMP PUMPS AND DRAINS TO SEPTIC TANK (11 FOURTH ST.)

Leaky Pipes

-There are strict standards for installation of sewer pipes. They require some 4" of special bedding under the pipe, followed by 12" of drainage backfill material above the pipe. On top of this backfill material is other material such as item 4, then finally pavement. If you don't use the proper backfill material, which must be brought in from a processing facility, you can get large rocks that will eventually rupture the PVC pipe. Paul estimates that around 80% was not backfilled with the proper material. Workers simply backfilled with the dirt that was excavated from the hole they dug. This means the pipes are subject to deflection and cracking. On the other hand, state-of-the art SDR35 PVC pipe was used and the limited inspection of the pipes done during the I&I study showed: "Overall, the piping was found to be in good condition. There were very few serious defects and sources of infiltration discovered during the video inspection".

(Inflow & Infiltration Study, p.12). Nevertheless pipes and laterals are subject to failure. See note below concerning the recent pipe break at 35 Dusinberre.

Dusinberre Pump Station

The Dusinberre pump station services around 26 homes in Zone 3 of the sewer district. The elevation is low, meaning the water table is relatively high and some homes have individual pumps to push their gray water through 2" force mains into the pump station. During the heavy rain of May, 2025 the alarm sounded several times. This means water was gushing into the holding tank and the two pumps could not keep up with the flow. This points to possible sump pump connections.

The STF inspected the Dusinberre pump station on 6/12/2025 and again on 6/23. We turned on the pump to drain water and observed the tank at a state of low water volume and found no obvious infiltration.

Mares Lane Pump Station

The STF inspected the Mares Lane pump station on 6/12/2025 and again on 6/23. We noticed a leak producing around 2 GPM at the location of an out-of-service conduit. The leak is about 24" below ground level (Fig. 4). This indicates the ground is quite saturated close to the surface. While this leak is not large, Darren Doetsch says it should be patched (with a Parson product that can be smeared on).

Mares Lane Pump Station



Leak at old conduit 24"
below ground level

FIG 4.

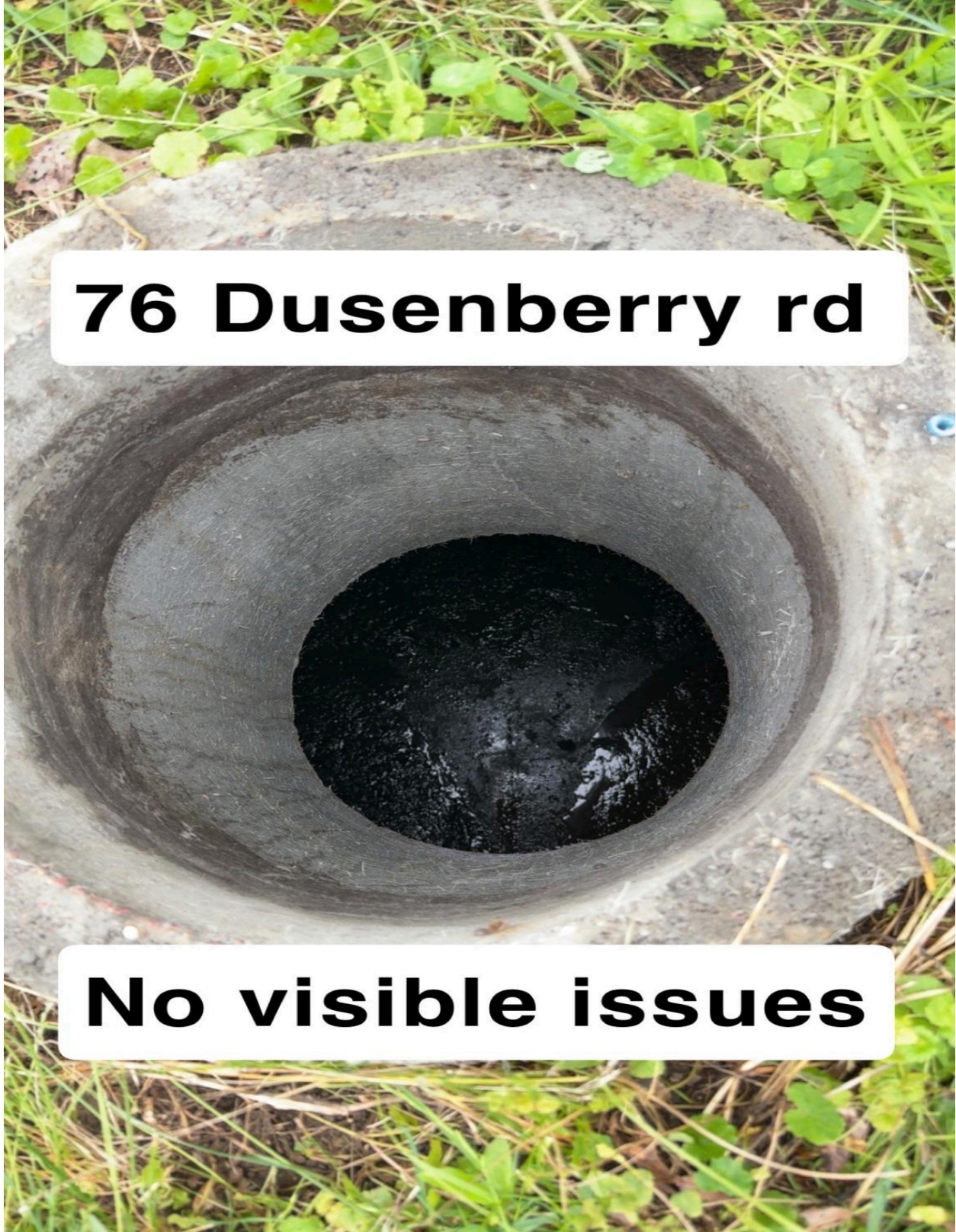
Septic Tanks & Risers/Lids

Darren and Paul both pointed out that the tank risers are placed on the tank opening but are not necessarily sealed well (circa 1981 risers were concrete, now they are HDPE). As such while we can do another round of smoke testing to check for leaks, Darren suggested we may just as well repair all remaining risers/lids as a matter of course. As this involves significant cost and since the 20 that were already repaired showed little if no benefit, the STF recommends no preventative repairs be made at this time. We further recommend that no additional smoke testing be done until the town first inspects for illicit connections.

Morris Cooper Septic Service has been hired to pump out some 80 septic tanks this season. The work began the week of June 16th and continues as of this writing. As part of their work Cooper does a visual inspection of the tank when it is pumped out and notifies the town if a tank needs repair/replacement. The STF has asked Cooper to take a photo of each tank to include the risers during pump-out and he has agreed. Fig. 5 and Fig. 6 show example photos. The STF will organize all photos into a database for the town.



FIG. 5 - 87 DUSINBERRE RD. SEPTIC TANK



76 Dusenberry rd

No visible issues

FIG. 6 - 76 DUSINBERRE RD. SEPTIC TANK - NOTE A NEW RISER WAS INSTALLED UNDER THE I&I REMEDIATION WORK



FIG. 7 - 11 FOURTH ST. FAILING SEPTIC TANK (from Morris Cooper)



FIG. 8 - 11 FOURTH ST. FAILING SEPTIC TANK (from Morris Cooper)

NYS DEC# 3A-756

Morris Cooper

Septic Service
854 Hill Ave, Pine Bush NY 12566
Phone (845) 744-3536 Fax (845) 744-8457

CONTRACT
 PROPOSAL
 INSPECTION
 9/25/24

PROPOSAL SUBMITTED TO Town of Gardiner	PHONE
STREET 11 Fourth St.	CELL PHONE Tyler 845-743-4832
CITY Gardiner	WORK PHONE Tyler, Stone - Makela @ H2O
STATE AND ZIP CODE	WORK DONE DATE innovation.com

We hereby submit specifications and estimates for: *** Tank Replacement ***

Pump out and remove / Fill in existing Concrete Tank.

Install 1000 gallon Concrete Tank with H2O Heavy duty Top. Hook up to existing inlet and outlet lines using sch PVC pipe. Install steel Manholes on lids for future access

Back fill and clean up all Materials and labor

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Paid in Full on Completion dollars \$ **9500.00**

Payment to be made as follows: (MAKE CHECKS PAYABLE TO MORRIS COOPER)

All installations and repairs come with one year warranty on workmanship. Not including problems due to extreme weather or heavy equipment driving over septic system. Excavated areas will be cleaned up as best as possible depending on ground conditions at time of work being performed. Hay and seed not included unless otherwise stated.

Authorized Signature: *Mon Cooper Jr.*

Note: This proposal may be withdrawn by us if not accepted within 60 days

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature: _____

Signature: _____

FIG. 9 - 11 FOURTH ST. SEPTIC TANK REPLACEMENT QUOTE (from Morris Cooper)

References

Recent pipe break at 35 Dusenberre Rd

The problem was a clogged sewer lateral (pipe between septic and main). It was jetted and cleared. The sewer lateral also needed to be replaced. The homeowner called H2O Innovations who then engaged JTP (Joe The Plumber) to fix. JTP billed the town \$11,000 to jet the lateral. A camera was run which showed cracks and bellies. A belly refers to a drop in the pipe creating a concave shape (as viewed from above). It can be caused by improper pipe placement or settling of the ground after placement.

Review of New Sewer Law

Part I

Issues of concern:

Property owners responsibility for costs:

Septic tank ownership: the new sewer use law adopted on 12/3/24 removed the tanks from Sewer District ownership. The old sewer law language stated the Sewer District owned the septic tanks and certain other equipment. For “New Sewer or Sewer Extensions” septic tanks, as well as other appurtenances, are specifically excluded from Town of Gardiner ownership (172-507). Further, unless specifically stated in the new law that the Sewer District is responsible for a part of the system, the responsibility is the private property owners. NOTE: historical records indicate the septic tanks would be owned by the Sewer District when the Town received EPA and State funding for the sewer collection system.

The Sewer Task Force recommends the Town revert to the pre-2024 practice of the Sewer District paying for the septic tank upkeep via the Operation and Maintenance Sewer Assessment fee. The current enforcement mechanisms in the sewer law can be drawn out for a very long time, and during that administrative proceeding, a failed septic tank that is not replaced will continue to be in violation. If the Sewer District continues to replace a failed septic tank, as it has done for over 40 years, the violation is resolved much more quickly, the sewer collection system and the wastewater treatment facility are protected from inflow or other problems, and property owners will have the assurance that has existed over the past 40 years that the Sewer District replaces the septic tank when the need arises and the costs are covered by the O&M fee every user pays annually.

Moreover, if the Sewer District continues to be responsible for septic tank upkeep, it is possible the Sewer District could obtain grant money for maintenance of the tanks.

Building lateral: The property owner must maintain, repair, or replace the building lateral as needed (172-611(D)).

The STF considers this provision to include both existing building laterals and future building laterals. NOTE: The pre-2024 law considered laterals to be owned by the Sewer District, and once the law is clarified in other ways, we believe lateral repair and replacement should be borne by the Sewer District as it has been done in the past.

Here is the technical problem. As the new sewer law reads, the building drain extends from the building wall to 5 ft. outside the building. The building lateral is “the sewer extension from the building drain to the street lateral or other place of wastewater disposal.” None of these definitions include the role of the septic tank or connections to the tank. The definitions make it sound as if there is no septic tank. In any case, this all needs to be clarified but the current law

puts costs related to the maintenance, repair or replacement of the building lateral from the street to the building drain on the property owner.

Street lateral: A replacement street lateral, and cleanout of the property line lateral, is at the property owner's expense if the Superintendent determines an existing street lateral needs replacement. The new street lateral is then the property of the Town of Gardiner and repairs to the new street lateral will be made by the Town at the Town's expense. 172-611.2

The STF re-iterates that "laterals" were owned by the Sewer District under the pre-2024 law, and that policy should continue under a revised new law.

New Connection costs on property owner: "If there is no street lateral to connect to a building lateral, the property owner must pay for the street lateral to be constructed by a licensed plumber. All subsequent costs and expense incidental to the installation and connection of the building lateral is also at the owner's expense. (172-611(A), (B)) (See also 172-614, "Public safety provisions required, restoration of disturbed areas" is the responsibility of the applicant.) In addition, section 502 requires an amendment adding DEC to the review and approval requirements.

The STF considers this provision applicable only to new connections. The STF thinks this provision is OK. To clarify, we agree that for new connections, such as a new home added to the sewer district that the homeowner pays for the street lateral and building lateral installation and related connections, but subsequently the Sewer District pays for maintenance, repairs and replacement, funded through sewer tax.

Costs for cleanout on property owner: "If, in the judgement of the Superintendent, it is determined that a building lateral, without a property line cleanout, needs repair or replacement, the Town of Gardiner may install a cleanout at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral." 172-611.1

The STF considers this provision to apply to both existing and new property connections. While for new construction the STF thinks the homeowner should pay, for new old construction we think the town should pay for installation of cleanouts because they benefit the whole sewer system.

Sewer extensions: once approved by the Superintendent, all expenses related to new sanitary sewers and extensions are at the applicant's expense, and with certain exclusions such as the septic tanks, become the Town of Gardiner property. (172-507)

General Catch All for costs on property owner: "All costs associated with the provisions of this article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Town of Gardiner. The property owner shall indemnify the Town of Gardiner from

any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances.” 172-616.

Pump outs: The law is silent on who pays for septic tank pump outs. The STF recommends that the Sewer District pay for the inspection and pump out of tanks on a three year cycle and that this be stated in the law.

Other Issues Requiring Town’s Attention:

Include septic tanks in law: A septic tank is an integral part of each hamlet sewer system. However, the law excludes the function of the tanks from any system discussion in the law. In fact the description of the hamlet system in the law is incorrect. In the Gardiner hamlet system, a building’s sewage drains to a septic tank. The solids are kept in the tank and the gray water discharges via a lateral to the sewer main. In several places the law improperly describes building drains as direct connections from the house to the lateral to the sewer main. Amendments necessary.

O&M assessment criteria: The Sewer District/Town assesses an operation and maintenance fee on each entity in the Sewer District. The law should include that the Sewer District assesses and collects this fee. The criteria for this fee should also be in the law, e.g., is the fee based upon how many bedrooms a building has, or the type of use the building is used for? The law should state what the fee pays for, e.g., the operator for the wastewater facility that is required under State law and annual maintenance costs for the system. The Sewer District is managed by the Town Board, or is it the Superintendent? Is there an annual report prepared for the Town Board about the facility, and if not, should there be?

Superintendent definition: Based on discussions with DEC, there is no requirement that the Superintendent be an engineer. The STF recommends that the definition be amended to require a qualified individual to be Superintendent but not necessarily an engineer.

Sewer District definition: Town of Gardiner Sewer District should be defined in the law. The law should consistently reference the Sewer District as the entity in control of the sewer system. Often the terms Town of Gardiner or Service Area are used as if they are interchangeable with Sewer District, which they are not. Service Area is defined in the Gardiner law as “The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town of Gardiner Board.” A town is authorized to create a Sewer District (NYS Town Law Ch. 62, Art.12 Section 198) and thus collect Sewer Rents. Because the Sewer District is authorized to collect sewer rents, and not the Town or a Service Area, the term should be defined and used properly in the law.

Inspectors: this term is used in the law (see 172-1015.2, e.g.) but there is no definition of inspector.

Enforcement procedures are cumbersome and repetitive. The Superintendent is required to develop an "Enforcement Response Plan" to develop a step by step procedure to respond to violations. (172-1101. However, the law then sets out exactly that process. (172-1102 thru 1107).

The STF recommends that the administrative process to enforce a violation is streamlined. Does the Town Board actually want to hold hearings on violations? Where does this process leave the Town in enforcing the penalty or seeking equitable relief? Since a likely primary cause of inflow is the illicit connection of sump pumps to basement sewer lines which drain into the septic tank and onward to the WWTF, the inspection for such violations and accompanying penalty must be strong enough to compel the property owner to make the desired remedy in a timely manner. The penalty of \$1,000 per day per violation in the new law is a sufficient deterrent only if it can be enforced promptly.

Permits: Law references permits, issuance of permits, revoking permits. Not aware that the town has a permit system. There was a permit requirement in the old law. See, e.g., 172-1004 (Industrial Users)

The STF recommends that the Town either implement the permit system or remove it from the law.

Connection charge: only in the law definition section-- not in the law. Is there a connection charge?

Fee schedule: the law includes a fee schedule for discharge permits (172-1004.2), fee charge for inflow (172-705), a fee for a construction approval application for a private septic (172-403) and in other places. Has the Town adopted a fee schedule for these purposes?

Moratorium- town board has authority to limit or deny new connections if the Superintendent recommends hydraulic capacity exceedances or there is inadequate capacity for the wastewater facility to treat the wastewater properly. 172-310, 172-501(B)

Septic tank inspections: while it is unclear what an inspection consists of under this requirement, it seems unnecessary to inspect each septic tank once a year and does not appear to be required by DEC or DOH. (see 172-407.1).The inspection requirement applies to tanks using the sewer system and private septic systems in the sewer district where the property is not within the mandatory hook up distance (property line within 100 ft. of a sewer main).

The STF recommends that the tanks be inspected when they are pumped out every three years as one can see more when they are empty as opposed to full.

Part II:
Superintendent and property access

Access for Superintendent to private properties:

Below are the methods the Superintendent can use to access properties:

- Powers of Superintendent: subject to constitutional limitations, after reasonable notice to the owner, the Superintendent is authorized to enter all private properties in the Sewer District for the purpose of inspection, observation, measurement, sampling and testing. 172-313(A)
- Duties of Superintendent: to enforce the Sewer Law and any necessary rules and regulations for the administration, development, or construction of sewers. 172-312
- Enter all nonresidential properties at all time for the purpose of inspection, observation, sampling, flow measurements, and testing to ascertain compliance with law. 172-1015
- Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representatives shall have the right to set up, on the user's property, devices to sample or flow measurements. 172-1015
- Emergency access: no previous notice required- inspections limited to discharges to the sewer or the on-site facilities for wastewater. 172- 313(B)
- Easement Access: Superintendent can access property to which the Town holds an easement for inspection, observation, repair, etc. 172- 1015. (NOTE: the town files I reviewed do not have each easement for the properties. Only one easement was in the files was reviewed and is probably typical of the model used by the town. Access is allowed for areas subject to the easement which is outside the building. Access to the electrical panel is allowed if there is a pump unit on the property, according to the sample easement located in the files.)

Email from DEC attesting to the scope of law which is mandated BY DEC

On Wed, Jun 11, 2025 at 2:25 PM Niekrewicz, Thomas (DEC) <Thomas.Niekrewicz@dec.ny.gov> wrote:
Hi Linda,

I am providing some background that may be helpful in answering your question.

Back in April of 2024 our Department sent out a Sewer Use Ordinance (SUO) RFI as the Department reviewed Gardiners SUO. The review found deficiencies in Gardiners local sewer ordinance dated March 20, 1984. Specific deficiencies were the approval requirements for new sewer extensions located in Ch. 172 Sections 172- 27 of the municipality's Sewer Use Ordinance. The municipality's old ordinance did not require New York State Department of Environmental Conservation's (NYSDEC) approval for sewer extensions, as is required by 6 NYCRR 750-1.6(f). This was added in the amended SUO Gardiner put together.

Section 501 of the Model Sewer Use Ordinance offers sample language for the approval of Sewer Extensions that ensures compliance with the Environmental conservation law. This was the major update Marybeth and the Town included in the recently adopted SUO. This information needs to stay within the SUO. In addition any mention of reporting requirements to DEC cannot be changed or removed from the SUO.

I am confirming with our office about the qualifications for the Sewer Superintendent. When I get that information I will let you know.

Please let me know if you have any questions.

Best,

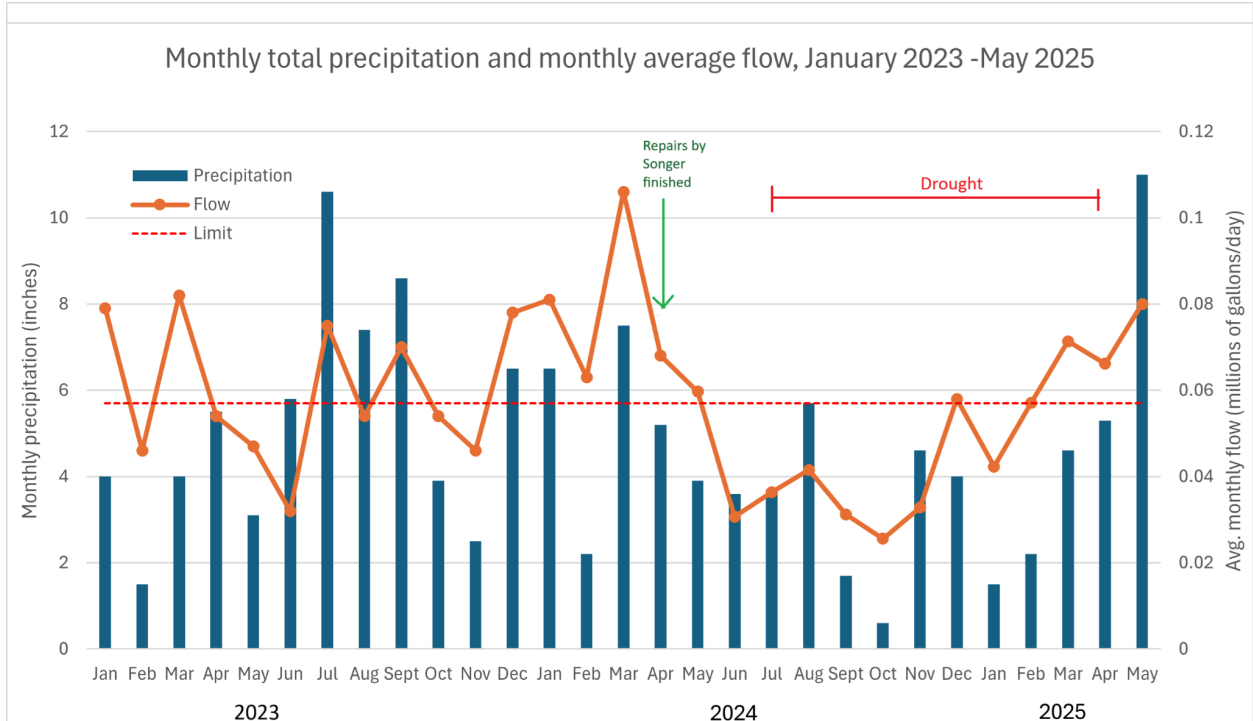
-Tom

Thomas Niekrewicz

Environmental Program Specialist 1

WWTF Flow Analysis

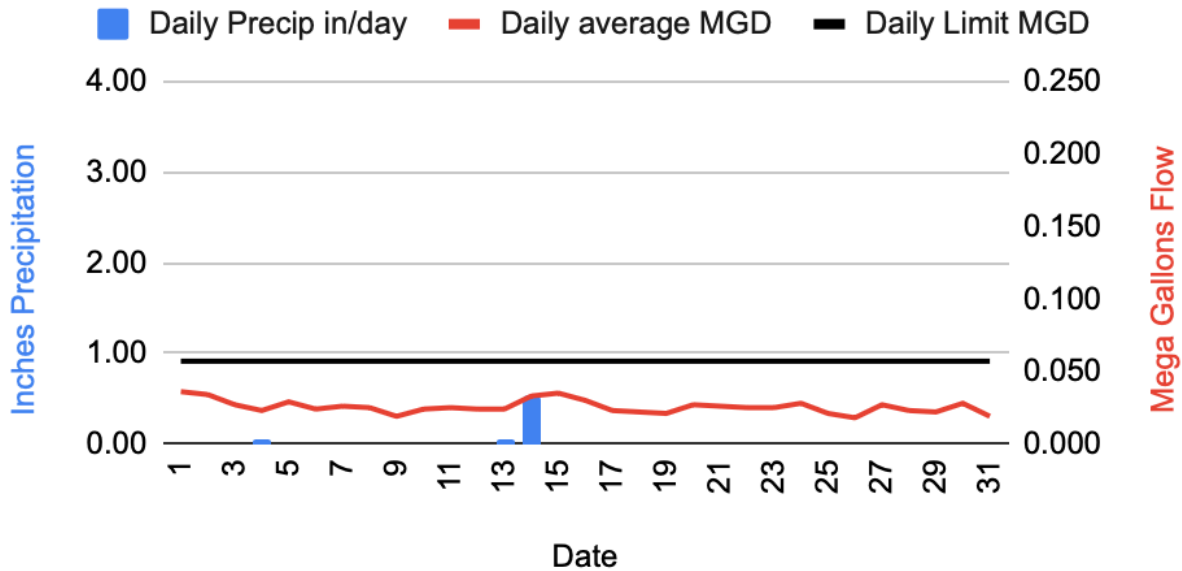
The following charts show WWTF monthly average flow vs. precipitation for the period January 2023 - May 2025. The daily limit is also shown.



The following charts show WWTF daily flow vs. precipitation for the most recent eight months (October 2024 - May 2025). The daily limit is also shown.

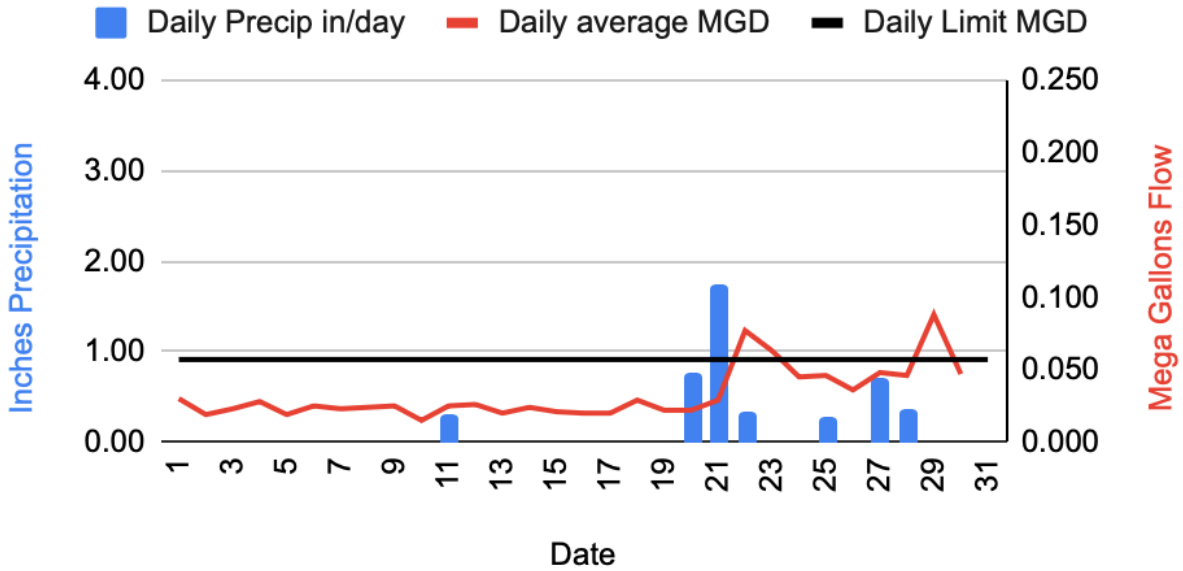
October 2024

(Low Groundwater, Light Rain - 0.6")



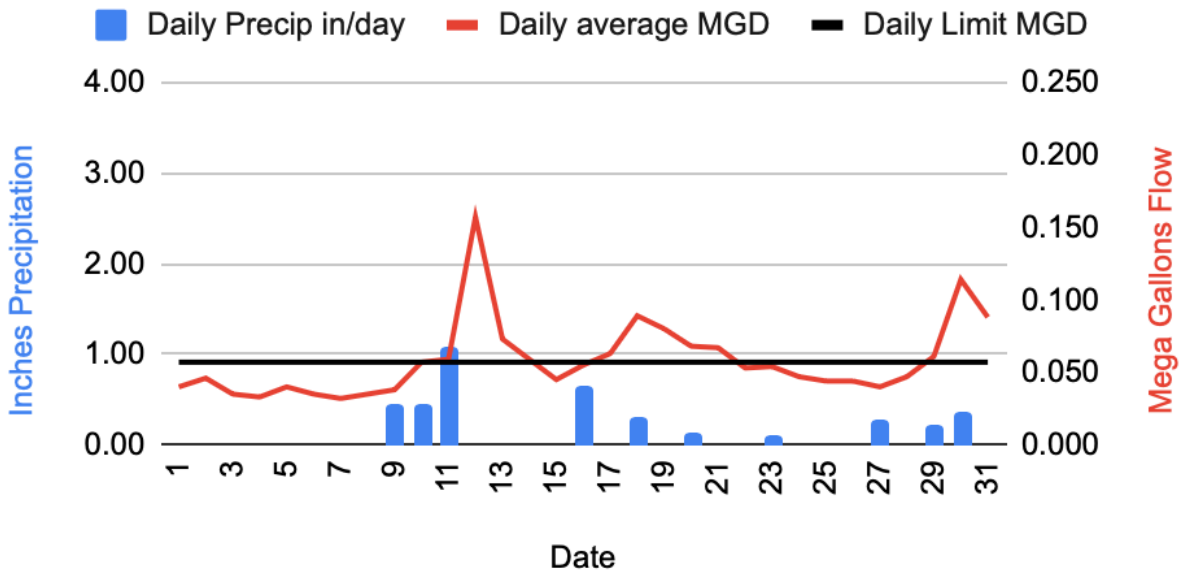
November 2024

(Low Groundwater, Heavy Rain - 4.6")



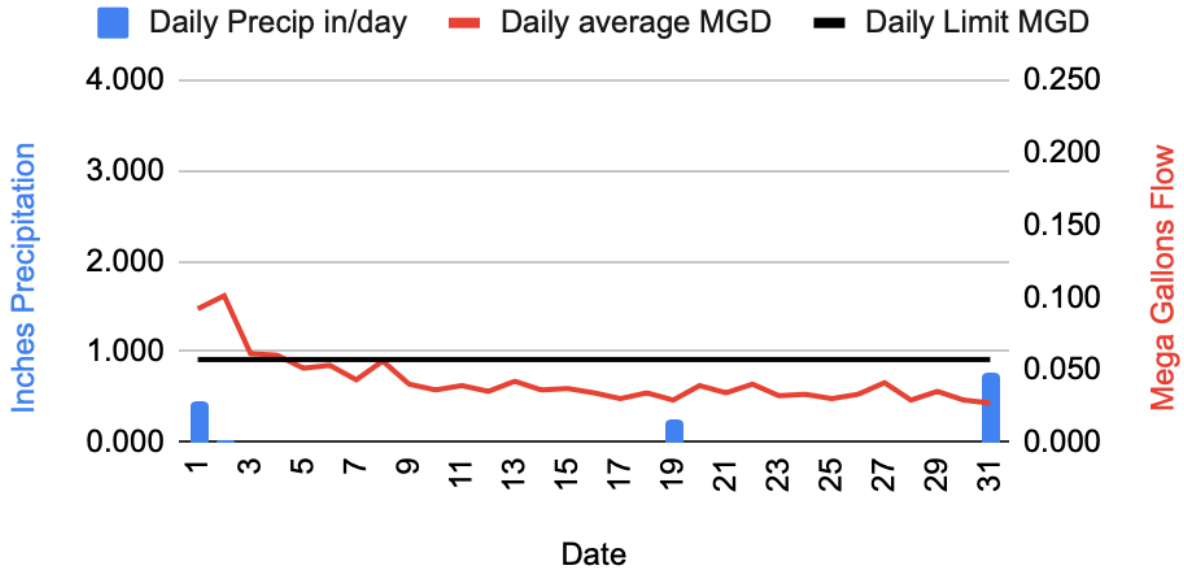
December 2024

(Low Groundwater, Moderate Rain - 4.0")



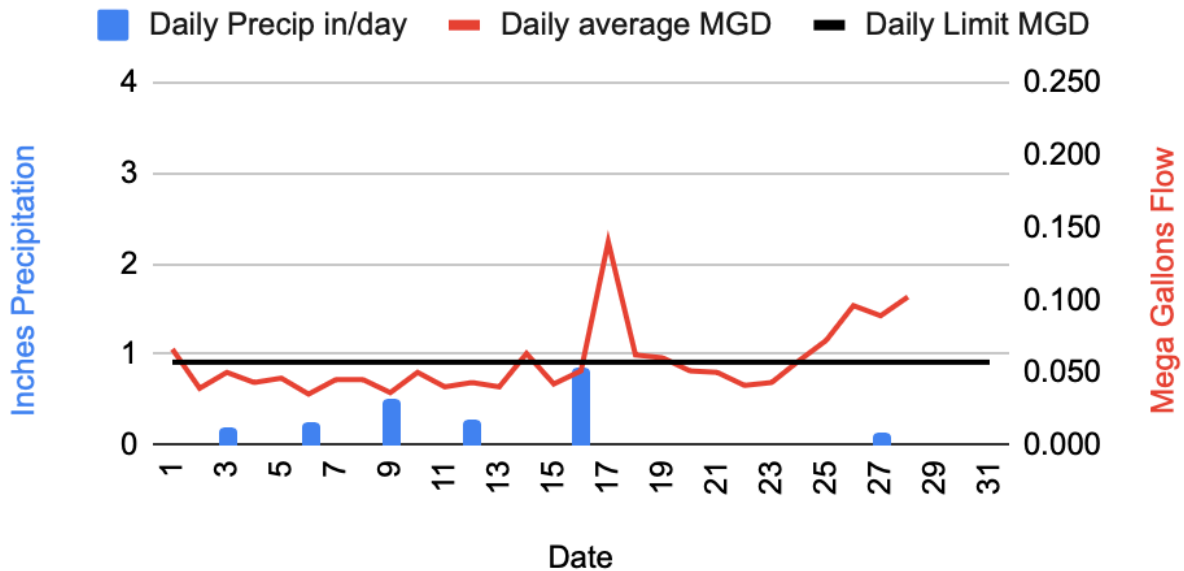
January 2025

(Low Groundwater, Low Rain - 1.5")



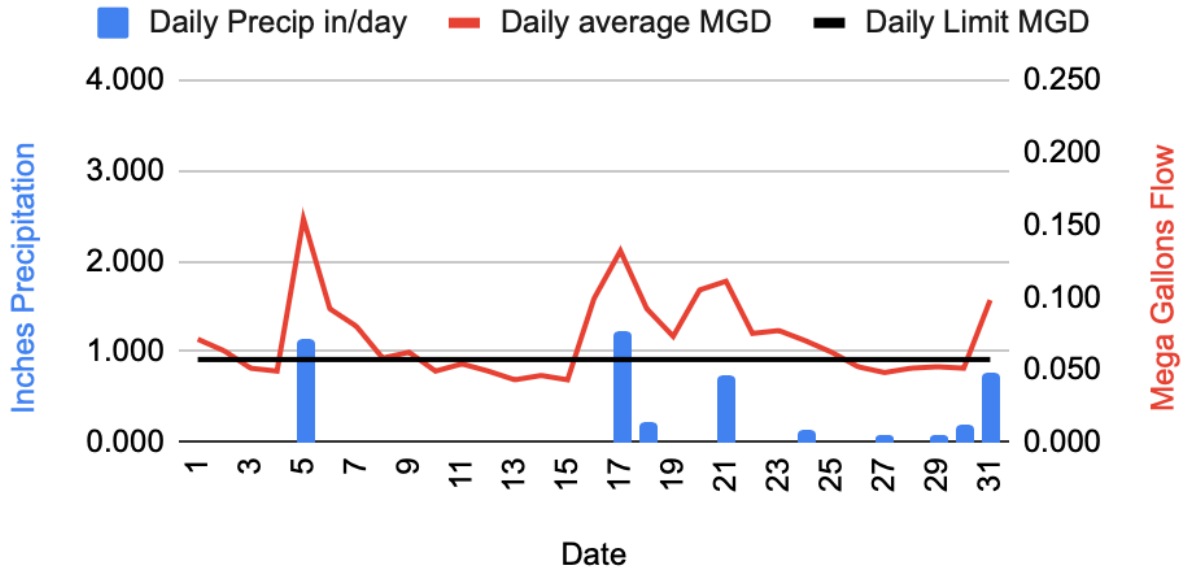
February 2025

(High Groundwater, Moderate Rain - 2.2")



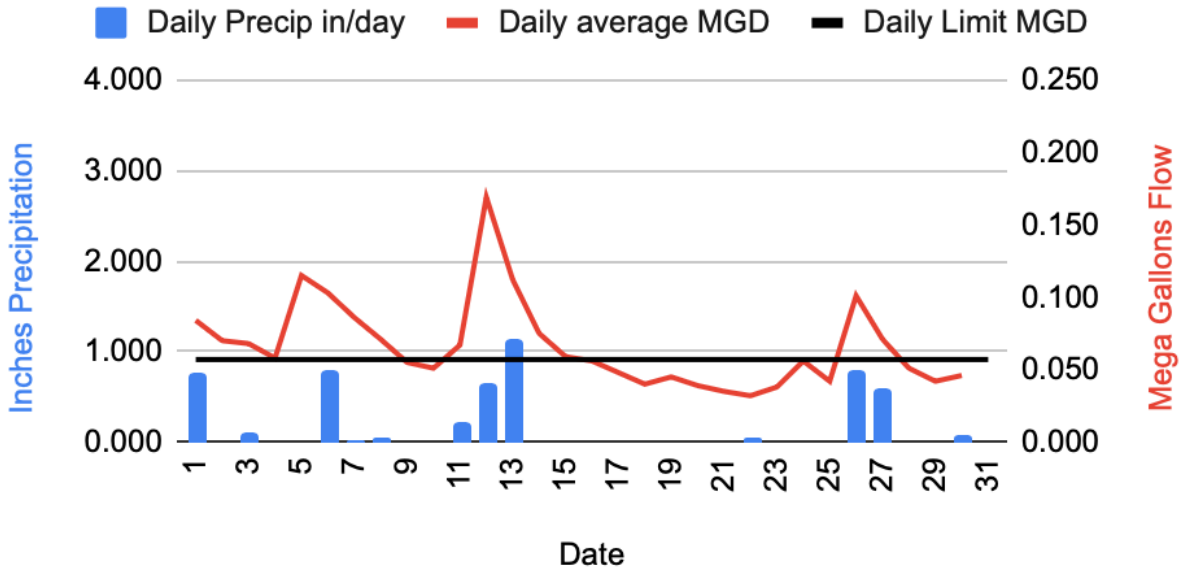
March 2025

(High Groundwater, Heavy Rain - 4.6")



April 2025

(High Groundwater, Heavy Rain - 5.3")



May 2025

(High Groundwater, Heavy Rain - 11")

