



## Progress in the War on Nitrogen

*Water quality program tests free septic systems at 39 county properties*

By Joanne Pilgrim | September 1, 2016 - 12:37pm

A Suffolk County pilot program testing new septic waste management technologies is under way, as researchers, environmentalists, and public officials across the region have targeted nitrogen pollution from wastewater as the cause of continued and increasing problems with the quality of ground and surface waters. The program is part of a county Reclaim Our Water initiative focusing on eliminating nitrogen pollution.

“The first phase of the septic demonstration program has been extremely successful,” County Executive Steve Bellone said in an August press release.

Nineteen property owners were selected by lottery to participate. Six different types of septic systems, donated by four manufacturers, with values of up to \$16,000 were installed for free at properties throughout the county and will be monitored and maintained at no cost to the property owners for five years.

County officials are expected to give a thumbs-up this fall for general use of one or more of the systems.

In a second phase of the test program, 20 property owners in 10 Suffolk County towns — though none in East Hampton — will have one of eight different types of systems by six different manufacturers installed. They are valued at up to \$20,000 and are designed to reduce the total nitrogen in effluent released from the system to 19 milligrams per liter or less.

That standard is a “low bar,” Kevin McAllister, an Amagansett resident and the founder of Defend H<sub>2</sub>O, has said. He has been pressing East Hampton Town to adopt and enforce more stringent standards.

The Suffolk Health Department sets the rules for septic waste systems, and several weeks ago Mr. Bellone signed legislation that amends the county sanitary code and allows the Health Department to issue approvals for “innovative, alternate systems” in addition to the conventional septic systems that have resulted in excessive and problematic nitrogen emissions.

At an East Hampton Town Board meeting last month, County Legislator Bridget Fleming, who represents the South Fork, called it a “hugely, hugely important” law. And, she said, it was crafted in such a way as to make sure that the ability to use new, state-of-the-art wastewater systems would not open the door to development in locations where it has up to now been precluded.

“Local zoning always has to control,” Ms. Fleming said. On the East End, where municipalities have put great effort into controlling overdevelopment, there was concern that the approval of better septic waste systems could result in approvals for construction on sites where it would not have been allowed before.

“We addressed it head-on,” she said. “The fact that [on the East End] we are by and large not sewered has always been a brake” on development, she said, as Health Department regulations limit the density of development according to the ability to deal safely with sewage.

She and County Legislator Al Krupski, who represents the North Fork, pulled together a working group of local environmentalists, town planners, attorneys, and engineers to write the revisions to the law.

“We were able to make sure,” Ms. Fleming explained, that the revisions to the pertinent section of the county sanitary code “do not change the density provisions” in another part of the code that describe the maximum allowable development on parcels of land. In other words, she said by phone, the use of a better septic system that will reduce waste emissions into the environment will not change the Health Department’s standards of what is considered a “buildable lot.”

While new wastewater treatment systems can help to reduce future pollution from septic waste, their promise goes only so far as the degree to which they replace the traditional septic systems that seep nitrogen into ground and surface waters.

East Hampton Town's water quality improvement plan, a list of efforts to be launched with funding from the community preservation fund — should voters approve the notion of using up to 20 percent of that money, traditionally earmarked for land preservation, on a ballot referendum this fall — includes a program that would underwrite the cost of upgrading septic systems for homeowners in sensitive environmental areas.

But in recent comments, two East Hampton environmental watchdogs have pointed out that a county policy of grandfathering wastewater systems that were approved years ago, and are not up to current standards, allows substandard waste systems to remain in use.

“The Health Department's internal policy has allowed restaurant expansions and redevelopment to occur without meeting state sewage treatment standards,” Mr. McAllister charged in a press release last week.

He provided an example: a 1960s-era motel on almost three acres of waterfront land that he said was replaced by 23 condominiums. The projected flow of septic waste from the condos would result in a release of nitrogen that far exceeds current state standards, but, he said, the Health Department grandfathered the older septic system meeting 1960s standards, allowing it to stand instead of requiring advance sewage treatment.

“Enough sidestepping the issue; grandfathering is a contradiction to water quality protection efforts and it has to end without delay,” Mr. McAllister said in his press release.

Jeremy Samuelson, the president of Concerned Citizens of Montauk, made the same point at a town board meeting on Aug. 18.

The town planning board has recently reviewed a number of “large-scale redevelopment projects,” he said, and while that site plan review allows the town to hold property owners to the latest standards regarding things such as lighting or parking, “there is no

ability on the part of the town to go back and ask for an upgrade to the septic system,” he said.

According to a survey included in the town’s recently completed comprehensive wastewater management plan, there are more than 400 septic systems in the town “that would fall into that category,” Mr. Samuelson said.

He said he had discussed the issue with Peter Scully, a former State Department of Environmental Conservation staffer, now the deputy county executive, who has been tapped by Mr. Bellone to steer water quality improvement efforts. Mr. Scully recognized the issue, said Mr. Samuelson, and asked for a letter from town officials describing the concerns.

“We will do it,” Supervisor Larry Cantwell told him. “The county needs to change their regulatory requirements; there’s no doubt about it,” he said, “so that when this kind of reinvestment is made in a property, its waste system is also updated to the best available technology.”