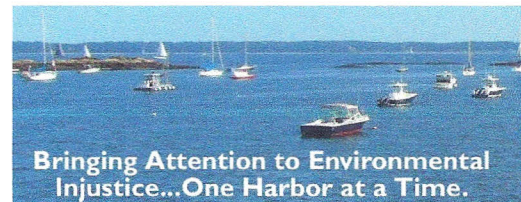


Ray Tartaglione
101 Westmoreland Street
White Plains, N.Y. 10606
Tel: 914-948-1100
Fax: 914-917-2167
ray@healtheharbor.com



healtheharbor.com

April 19, 2010

Frank J. Culross, City Manager
City of Rye
1051 Boston Post Road
3rd Floor Room 31, City Hall
Rye, New York 10580

Dear Frank,

As you know, for several years I have raised concerns with regard to faulty, inadequate and unpermitted septic systems on Hen Island, which have the potential to cause environmental harm to the surrounding waterways. A review of Article 1, §161-1 indicates that our City Government shares these concerns, as the city charter states the following:

§161-1 Use required; exceptions; inspections

"there shall be an annual inspection of all private sewage disposal systems by a contractor duly approved by the Westchester County Commissioner of Health on all properties bordering on all watercourses, including Long Island Sound, Milton Harbor and all tributaries thereto, and wherever else directed by the Sanitation Committee of the Common Council. A written certificate of such inspection shall be submitted to said Committee for such action thereon as it may direct".

It is requested that I be provided a copy of the certificate of the required inspections referred to above, for all private sewage disposal systems located on Hen Island for the past two years. If however, the above referenced written certificate of such inspections have not been submitted, it is requested that the appropriate action, as described in §161-3 A, be taken by the City, to ensure compliance with the Code.

I have attached a copy of §161 of the Rye City Code with the relevant section highlighted, for your review. Thank you.

Very truly yours,


Ray Tartaglione

RJT:rc
Attach.

ARTICLE I Use of Public Sewers (§ 161-1 — § 161-4)

[Adopted 9-20-1950 as Section 4-3.5 of Ch. 4 of the General Ordinances]

§ 161-1 Use required; exceptions; inspections.

Where a public sewer is available and accessible in a street, alley, easement or thoroughfare to a building or premises abutting thereon, the liquid wastes from any plumbing system in said building shall be discharged into the public sewer unless otherwise prohibited, except that where a place of residence is so located that a gravity connection from the plumbing above the first floor thereof to the street sewer is not possible or such place of residence is located more than 150 feet from the nearest public sewer, a separate sewerage system may be maintained which otherwise complies with city, county or state health laws, codes or regulations. Immediately after the construction of a sewer connection every sewage tank, cesspool or privy vault shall be emptied, cleaned, disinfected and filled with clean mineral soil, rock or gravel. Where a public sanitary sewer is not accessible, a building permit shall not be issued without submission of a copy of the written approval of the Westchester County Commissioner of Health, indicating that the premises may be adequately sewered by a separate sewage disposal system. The further approval of the Common Council of the City of Rye is required for such separate disposal systems. In addition thereto there shall be an annual inspection of all private sewage disposal systems by a contractor duly approved by the Westchester County Commissioner of Health on all properties bordering on all watercourses, including Long Island Sound, Milton Harbor and all tributaries thereto, and wherever else directed by the Sanitation Committee of the Common Council. A written certificate of such inspection shall be submitted to said Committee for such action thereon as it may direct.

§ 161-2 Duty of owner.

[Added 12-17-1980 by Ord. No. 6-1980]

Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.

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Where an owner of any building is required to discharge sewage or other liquid wastes from any plumbing system into a public sewer as required by § 161-1 of this Code, he shall maintain such plumbing system within the building and from the building to the point of connection with the public sewer main, so as not to expose or discharge the sewage contents or other deleterious liquid or matter therefrom to the atmosphere, except through legally permissible vents, or on the surface of the ground, public or private, or into any storm sewer or drain or into any watercourse or body of water.

§ 161-2.1 Sewer use.

[Added 11-2-1983 by L.L. No. 11-1983]

The City of Rye and all users of the city's sanitary sewer system shall be subject to all applicable rules and regulations contained in the Westchester County Environmental Facilities Sewer Ordinance No. 1, as amended. A copy of Sewer Ordinance No. 1, as last amended, is available for review in the office of the City Clerk of the City of Rye.

§ 161-3 Performance of work; costs; collection.

[Added 12-17-1980 by Ord. No. 6-1980]

Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.

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A.

If the provisions of the foregoing sections are not complied with, the City Manager or the Building Inspector shall cause written notice to be served personally upon the owner or by mailing the same to the name of the last known owner of the premises where the building is located as the same appears on the assessment roll of the City of Rye for the last calendar year. If the owner fails, neglects or refuses to correct the conditions and remove the violations so as to comply with the provisions of this article within 10 days after service of such notice, then in that event, the city may cause the plumbing system to be repaired or replaced so as to comply with the provisions of this article, and the cost or expense of doing said work, plus an administrative charge of \$100, shall be ascertained, and a report thereof shall be forthwith filed with the City Comptroller and City Assessor. The total cost of the same shall be paid by the owner to the city within 30 days after demand. The owner shall have the right to a hearing before the City Manager with respect to the total cost of the work as set forth in said report within 10 days after service by mail of a copy of said report.

B.

The total cost of said work, as the same shall appear from the report on file with the City Comptroller, may be sued for and recovered from said owner in a civil suit.

C.

The total cost of said work shall become and be a lien on the property benefited by the work done on the plumbing system, and, if the owner thereof shall fail to pay the total cost of the work within 30 days after demand, the City Assessor shall, in the preparation of the next assessment roll, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner as taxes upon said property for city purposes are levied, collected and enforced.

§ 161-4 Penalties for offenses.

[Added 12-17-1980 by Ord. No. 6-1980

Editor's Note: This ordinance also renumbered former §§ 161-2 through 161-5 to become §§ 161-5 through 161-8, respectively.

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Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day such violation shall continue shall constitute a separate offense.