

## **Village of Coxsackie I&I Credit Policy**

### 1.0 Wastewater Conveyance and Treatment Capacity

The Village of Coxsackie owns and operates a sanitary wastewater collection and treatment system that is governed by State Pollutant Discharge Elimination System (SPDES) No. NY0033545. The sewer system provides wastewater collection and treatment to properties within the Village as well as properties in the adjacent towns of Coxsackie and New Baltimore and the Greene County Jail by existing Intermunicipal Agreements (IMAs) and to the New York State Department of Corrections and Community Supervision (DOCCS) facilities, Intermunicipal Agreement pending.

In February 2021, the Village completed capital improvements to the sewer system including the collection system and the wastewater treatment plant aimed at increasing the useful life of existing systems, replacement or repair of aging infrastructure, and regulatory compliance with respect to discharge standards as well as the elimination of Sanitary Sewer Overflows (SSOs) which are releases of untreated or partially treated sanitary wastewater into the environment under wet weather conditions. The work was carried out in conformance with the Village's SPDES permit and an Order on Consent R4-2008-1002-114.

### 2.0 Moratorium on New Connections or Extensions of the Sanitary Sewer System

With the completion of the capital improvements, the terms of Order on Consent R4-2008-1002-114 were met; however, the sewer system continues to experience infiltration and inflow (I&I) during wet weather events that continues to cause SSOs. As a result, a new Order on Consent (R4-20240118-43) with the New York State Department of Environmental Conservation (NYSDEC) has been executed (Attachment A). The new Order on Consent requires additional flow monitoring and capital improvements to eliminate SSOs in accordance with a previously approved Engineering Report.

### 3.0 I&I Reduction Required

Until the Village can certify that all SSOs have been eliminated, the Order on Consent imposes a Moratorium on New Connections or Extensions of the sanitary sewer collections system with exceptions as follows:

## **Village of Coxsackie I&I Credit Policy**

- Written application by the Village to the NYSDEC Regional Water Engineer:
  - Describing the quantity and type of wastewater to be introduced;
  - Assessment of the capacity of the existing system to convey and treat the additional flow; and,
  - Certification by a New York State-Licensed Professional Engineer of completing actions (including I&I removal) that support the granting of relief from the moratorium.
    - Credit for I&I removal projects will be at a ratio of 1:4 (for every new gallon of sewage to be introduced, four gallons of I&I must be removed)
  
- Public Health Relief
  - The NYSDEC may grant relief to eliminate existing or potential near-term public health nuisances or hazards. The Village is required to document the existing public health nuisance or hazard with documentation from the NYS Department of Health or the local health officer.

### 4.0 I&I Credits Recognized

I&I Credits are recognized and approved by the NYSDEC as documented reduction in flows to the Village's sanitary sewer system as a result of capital improvements to eliminate the introduction of stormwater or groundwater into the sanitary sewer system expressed as gallons per day (gpd).

The Greene County Industrial Development Agency (IDA) funded capital improvements in 2013 and 2016 which documented removal of I&I resulting in an approved credit of 36,093 gpd as of the date of this policy. The Greene County IDA owns these credits; thus, Village I&I Credit Policy does not apply to these credits. To utilize I&I Credits owned by the IDA, a request should be made directly to the IDA who will coordinate with the Village as appropriate.

The Village of Coxsackie funded capital improvements as part of the project required by Order on Consent R4-2008-1002-114 with certification of completed works in February of 2021 and

**Village of Coxsackie  
I&I Credit Policy**

further documented by the Village in December 2023 resulting in an approved credit of 124,000 gpd, of which 123,405 gpd remains as a credit as of the date of this policy. The creation of these I&I Credits was incidental to the overall improvements to the sewer system for the general benefit of the public and environmental health of the existing community.

In accordance with Order on Consent R4-20240118-43, these I&I Credits created by the Village in existence as of the date of execution of the Order on Consent (August 29, 2024) are applied on a 1:1 basis such that for every one gallon of sewage to be introduced, the existing credit of one gallon is applied.

5.0 Definitions

For consistency, the Village I&I Policy will rely on the following terms as provided in 6 NYCRR Part 750:

6 NYCRR Part 750-1.2 Definitions:

- (82) Sewer Connection means a point of connection between a building, residence, or other structure and a public sewer except that any connection designed or intended to convey 2,500 gallons per day or more of residential sewage alone or in combination with storm water shall be considered a sewer extension.
- (83) Sewer Extension mean a newly constructed or proposed sewer design to serve one or more sewer connections.

In accordance with 6 NYCRR Part 750-2.10(h)(3)(i), Sewer Extensions (connections intended to convey 2,500 gpd or more of residential sewage) require submission of an approvable engineering report, plans and specifications to the NYSDEC while Sewer Connections (connections intended to convey less than 2,500 gpd of residential sewage) do not require NYSDEC review and approval.

For purposes of this I&I policy, Sewer Connection and Sewer Extension shall include residential and non-residential wastewater, alone or combined, and the introduction of storm water into a sanitary Sewer Connection or Extension is strictly prohibited.

**Village of Coxsackie  
I&I Credit Policy**

6.0 In-Village Sewer Connection I&I Credit Policy

In consideration of the circumstances that resulted in the creation of the Village's I&I Credits as a result of general improvements to the village and town wastewater collection and treatment system, it is the policy of the Village of Coxsackie that property owners within the Village of Coxsackie may apply for the use of Village I&I Credits for any Sewer Connection as defined in 6 NYCRR Part 750-1.2(82) and that the Village will apply to the NYSDEC for Sewer Connection utilizing the Village I&I Credits at a 1:1 ratio as provided in Order on Consent R4-20240118-43. The use of Village I&I Credit shall be without cost to the applicant for Village I&I Credit.

7.0 In-Town Sewer Connection I&I Credit Policy

In consideration of the circumstances that resulted in the creation of the Village's I&I Credits as a result of general improvements to the village and town wastewater collection and treatment system, it is the policy of the Village of Coxsackie that property owners in the town of Coxsackie or New Baltimore that are within a sewer district and/or covered by an IMA or other agreement may apply for the use of Village I&I Credits for any Sewer Connection as defined in 6 NYCRR Part 750-1.2(82) and that the Village will apply to the NYSDEC for Sewer Connection utilizing the Village I&I credits at a 1:1 ratio as provided in Order on Consent R4-20240118-43. The use of Village I&I Credit shall be without cost to the applicant Village I&I Credit.

8.0 Sewer Connection Priority

It is the policy of the Village of Coxsackie that Village I&I Credits shall be utilized on a first-come, first-served basis for Sewer Connection applications until all existing Village I&I Credits are utilized. Should there be a situation where multiple applications are received simultaneously, the in-Village properties shall receive priority, followed by properties in the towns. In the event of competing applications, the Village shall take situational information into account including hardship, and public and environmental health in the use of Village I&I Credits.

## **Village of Coxsackie I&I Credit Policy**

### 9.0 DOCCS I&I Credit Policy

In the absence of an enforceable IMA between the Village and DOCCS which may provide terms to the contrary, it is the policy of the Village of Coxsackie that DOCCS must provide, at its own cost and expense, the Village with the following information regarding increases in sewer flows:

- Documentation in support of written application by the Village to the NYSDEC Regional Water Engineer:
  - Describing the quantity and type of wastewater to be introduced;
  - Assessment of the capacity of the existing system to convey and treat the additional flow; and,
  - Certification by a New York State-Licensed Professional Engineer of completing actions (including I&I removal) that support the granting of relief from the moratorium.
    - Credit for I&I removal projects will be at a ratio of 1:4 (for every new gallon of sewage to be introduced, four gallons of I&I must be removed)

In accordance with NYSDEC policy, I&I credits are approved by the NYSDEC post-construction (I&I mitigation project) with monitoring or other documentation of flow volume reduction. The cost and expense of any I&I mitigation project including engineering, permitting, construction and flow monitoring are at the sole expense of the applicant for I&I Credits.

In accordance with 6 NYCRR Part 750-2.10, the construction of any new or modified Sewer Connection or Extension shall not start until the Village, as permittee, receives written approval of the system from the NYSDEC. Any and all costs associated with the Village receiving, reviewing, coordinating, and processing Moratorium Relief shall be funded through escrow by the applicant for I&I Credits.

### 10.0 Village and Town Sewer Extension I&I Credit Policy

It is the policy of the Village of Coxsackie that any Sewer Extension as defined in 6 NYCRR Part 750-1.2(83), whether located in the Village or in the towns, must provide, at its own cost and expense, the Village with the following information regarding increases in flows:

## **Village of Coxsackie I&I Credit Policy**

- Documentation in support of written application by the Village to the NYSDEC Regional Water Engineer:
  - Describing the quantity and type of wastewater to be introduced;
  - Assessment of the capacity of the existing system to convey and treat the additional flow; and,
  - Certification by a New York State-Licensed Professional Engineer of completing actions (including I&I removal) that support the granting of relief from the moratorium.
    - Credit for I&I removal projects will be at a ratio of 1:4 (for every new gallon of sewage to be introduced, four gallons of I&I must be removed)

In accordance with NYSDEC policy, I&I credits are approved by the NYSDEC post-construction (I&I mitigation project) with monitoring or other documentation of flow volume reduction. The cost and expense of any I&I mitigation project including engineering, permitting, construction and flow monitoring are at the sole expense of the applicant for I&I Credits.

In accordance with 6 NYCRR Part 750-2.10, the construction of any new or modified Sewer Connection or Extension shall not start until the Village, as permittee, receives written approval of the system from the NYSDEC. Any and all costs associated with the Village receiving, reviewing, coordinating, and processing Moratorium Relief shall be funded through escrow by the applicant for I&I Credits.

### 11.0 Future Village I&I Credits

The Village of Coxsackie is not obligated to create future or additional I&I Credits. To the extent that actions of the Village in connection with compliance with Order on Consent R4-20240118-43 result in the allocation of additional Village I&I Credits by the NYSDEC, the Village will add any additional I&I Credits to the existing Village I&I Credit and shall follow the policy set forth herein with respect to new I&I credits.

**Village of Coxsackie  
I&I Credit Policy**

12.0 Sewer Extension I&I Credit Disposition

To the extent that an applicant to the Village funds capital improvements and receives I&I Credits from the NYSDEC as outlined in Order on Consent R4-20240118-43 and herein, the credits shall run with the land and may not be sold or otherwise transferred to any other property or person, except the I&I Credits may be dedicated to the Village at no cost to the Village to become Village I&I Credits to be applied in accordance with this Policy.

To the extent that an applicant to the Village funds capital improvements and receives I&I Credits from the NYSDEC as outlined in Order on Consent R4-20240118-43 and herein, in addition to running with the land, the applicant must, upon request by the Village, show documentation of continuous progress towards physical Sewer Connection or Extension and use of the credits. Such progress may include but is not limited to completing SEQR review, obtaining local permits such as site plan, subdivision, special use or building permits, and financing of the project. The Village reserves the right to request from the NYSDEC capture of unused sewer credits in the event that, in the Village's sole discretion, an applicant has failed to document continuous progress towards connection or extension.