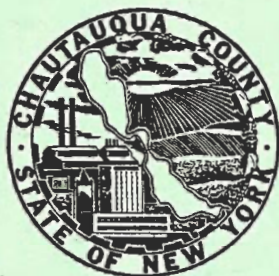


**STATE OF NEW YORK**  
**COUNTY OF CHAUTAUQUA**  
**LOCAL LAW 6-94**



**LOCAL LAW REGULATING**  
**THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS**  
**IN THE**  
**NORTH CHAUTAUQUA LAKE SEWER DISTRICT**  
**SOUTH CHAUTAUQUA LAKE SEWER DISTRICT**  
**AND**  
**CENTER CHAUTAUQUA LAKE SEWER DISTRICT**

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## ARTICLE 1

### SHORT TITLE, PURPOSE AND APPLICABILITY

#### Section 101 - SHORT TITLE

For brevity and ease of communication, this Law may be cited as the North, South and Center Chautauqua Lake Sewer Districts Sewer Use Law.

#### Section 102 - GENERAL PURPOSE

The general purpose of this Law is the following: To provide for efficient, economic, environmentally safe, and legal operation of the Districts' POTW.

#### Section 103 - SPECIFIC PURPOSES

The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the POTW that will:

- (a) interfere with the POTW in any way,
- (b) pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,
- (c) increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals,
- (d) endanger municipal employees,
- (e) cause air pollution, or groundwater pollution, directly or indirectly,
- (f) cause, directly or indirectly, any public nuisance condition.

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(3) To assure that new sewers and connections are properly constructed.

(4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

#### SECTION 104 - APPLICABILITY

This Law shall apply to all areas within the North Chautauqua Lake Sewer District, South Chautauqua Lake Sewer District and the Center Chautauqua Lake Sewer District as well as all areas generating sewage which is treated by the POTW treatment plant including, but not limited to areas outside the Districts which convey wastewater to the Districts' POTW by pipe or truck.

## ARTICLE 2

### DEFINITIONS

#### Section 201 - DEFINED TERMS

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Abnormal Sewage** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

**Act or "THE ACT"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

**Administrator** - The Regional Administrator of the United States Environmental Protection Agency (USEPA), Region 2.

**Ammonia** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

**American Society for Testing and Materials** - The latest edition of any ASTM specification, when stipulated in this Law.

**Applicant** - That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

**Approval Authority** - The USEPA, or the in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

**Approved Laboratory Procedure** - The procedures defined as 'Standard Methods' in this article, or other procedures approved by the Director, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

**Authorized Representative of the Industrial User** - An authorized representative of the industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**Biochemical Oxygen Demand** - The quantity of oxygen utilized in a biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20° C. The laboratory determinations shall be made in accordance with the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water, Sewage, and Industrial Wastes* published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**Board** - The administrative head or body of each of the Districts as established under §261 of the County Law of the State of New York; the specific board referenced shall be determined contextually by the geographical location of the matter to which this law is applied.

**Builder** - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

**Building Drain** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

**Building Sewer** - That part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, vacuum veiv, grinder pump or other approved point of disposal.

**Chemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

**Chlorine Demand** - The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

**Color** - The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**Composites Sample** - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

**Connection Charge (Tap Fee)** - The one time application fee to offset Districts expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

**Control Authority** - The term shall refer to "Approval Authority", or to the director when Districts has an approved pretreatment program under the provisions of 40 CFR 403.11.

**Control Manhole** - A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**Conventional Pollutant** - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

**County** - Chautauqua County, New York

**Developer** - Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

**Direct Discharge** - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**Director** - The administrative Director of the Districts or his representative. The specific director referenced shall be determined contextually by the geographical location of the matter to which this law is applied.

**Districts** - The North, South and Center Chautauqua Lake Sewer Districts, County Sewer Districts of the County of Chautauqua organized and existing pursuant to Article 5A of the County Law of the State of New York.

**Domestic Wastes** - see Sewage, Domestic.

**Dry Sewers** - The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

**End of Pipe** - For the purpose of determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

**End of Pipe Concentration** - The concentration of a substance in a sample of wastewater at end of pipe.

**End of Process Concentration** - see National Categorical Pretreatment Standard.

**Easement** - An acquired legal right for the specific use of land owned by others.

**Floatable Oil** - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

**Flow Rate** - The quantity of liquid or waste that flows in a certain period of time.

**Garbage** - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

**Grab Sample** - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

**Grease Interceptor** - A device designed to separate and retain globules of grease, fat and oils from wastewater.

**Indirect Discharge** - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge)

**Industrial** - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

**Industrial Chemical Survey** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**ICS Form** - The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

**Industrial User** - See User, Industrial

**Industrial Wastes** - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

**Infiltration** - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

**Inflow** - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

**Interference** - A discharge which, alone or in conjunction with discharges by other sources,

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- i Section 405 of the Clean Water Act,
- ii the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
- iii Clean Air Act,
- iv Toxic Substance Control Act, and
- v Marine Protection Research and Sanctuaries Act.

**Lateral, Building** - The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

**Lateral, Street** - The sewer extension from the public sewer to the property line or to the entrance to a grinder pump or vacuum valve installation.

**National Categorical Pretreatment Standard, or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**National Pollutant Discharge Elimination System Permit** - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, to State's Wetlands.

**New Owner** - That individual or entity who purchased property within the Service Area of the Districts after the effective date of this law.

**New Source** - Any source, the construction of which is commenced after the publication of proposed regulation prescribing a Section 307 (C) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

**New User** - A discharger to the POTW who commences discharge after the effective date of this Law.

**Normal Sewage** - see Sewage, Normal.

**Nuisance** - The use or lack of use of the POTW in such a manner so as to endanger life or health, or give offense to the senses, obstruct, or otherwise interfere with the reasonable use or maintenance of the POTW.

**Oil and Grease** - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.



**Old Owner** - That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, or inherited the property at any time and who intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

**Other Wastes** - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

**Pass Through** - The discharge which exits the POTW into waters of the State in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**Permit** - A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Law.

**Person** - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

**pH** - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

**Phosphorus, total** - See total phosphorus.

**Pollutant** - Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**Pollution** - The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the State's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**Pretreatment** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

**Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**Pretreatment Standard or National Pretreatment Standard** - Any Categorical Standard or Prohibitive Discharge Standard.

**Prohibitive Discharge Standard** - see National Prohibitive Discharge Standard.

**Property Shredded Garbage** - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**POTW Treatment Plant** - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

**Publicly Owned Treatment Works** - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by the Districts. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

**Priority Pollutants** - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**Receiving Waters** - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

**Roof Drain** - A drain installed to receive water collecting on the surface of a roof for disposal.

**Scavenger Wastes** - see Septage

**Septage** - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial

establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

**Septic Tank** - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements.

**Service Area of the POTW** - The legally defined bounds of real property from which wastewater may be discharged into the POTW.

**Sewage** - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage", within the meaning of this definition.

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See Sewage, Sanitary).

**Sewage, Normal** - Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- (a) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (b) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (c) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.
- (d) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (e) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (f) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (g) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- (h) Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less.
- (i) Ultimate Oxygen Demand - 5004 lbs. per million gallons (600 milligrams per liter), or less.

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

**Sewage, Sanitary** - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes).

**Sewage Treatment Plant (Water Pollution Control Plant)** - see POTW Treatment Plant

**Sewer** - A pipe or conduit for carrying or transporting sewage.

**Sewer, Combined** - A sewer designed to receive and transport both surface runoff and sewage.

**Sewer, Public** - A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Districts.

**Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

**Sewerage System** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

**Sewerage Surcharge** - The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

**Significant Industrial User** - see User, Significant Industrial

**Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

**Standard Industrial Classification** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**Standard Methods** - Procedures contained in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Director, whichever is the most conservative.

**State** - State of New York.

**State's Waters** - See Waters of the State.

**Storm Water** - Any flow resulting from any form of natural precipitation.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**Sump Pump** - A mechanism used for removing water from a sump or wet well.

**Suspended Solids** - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

**Tap Fee** - See Connection Charge

**Total Kjeldahl Nitrogen** - The sum of organic nitrogen and ammonia nitrogen. The laboratory determinations shall be made in accordance with the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water, Sewage, and Industrial Wastes* published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. This determination measures the total concentration of the undigested portion of the nitrogenous organic solids.

**Total Phosphorus** - The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

**Toxic Substances** - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tends to interfere with any biological sewage treatment process or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**Ultimate Oxygen Demand** - (One and One-Half (1½) times BOD) + (Four and One-Half (4½) times TKN).

**United States Environmental Protection Agency** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this Agency.

**User** - Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

**User, Existing** - A discharger to the POTW who is discharging on or before the effective date of this Law.

**User, Industrial** - A discharger to the POTW who discharges non-domestic wastewaters.

**User, New** - A discharger to the POTW who initiates discharge after the effective date of this Law.

**User, Significant Industrial** - An industrial user of the Districts POTW who is:

- (a) Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- (b) Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- (c) Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- (d) Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the POTW treatment plant, the pollutant, from all users, is not detectable.

**Volume Charge** - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article 12). The specific charge shall be subject to approval by the Districts Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW.

**Wastewater** - The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**Wastewater Discharge Permit** - A permit as set forth in Article 10 of this Law.

**Wastewater, Unusual Strength or Character** - see Sewage of Unusual Strength or Character

**Waters of the State** - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

## Section 202 - ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CPLR	-	Code of Public Law and Rules
COD	-	Chemical Oxygen Demand
EPA	-	United States Environmental Protection Agency
ICS	-	Industrial Chemical Survey
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NCPI	-	National Clay Pipe Institute
NPDES	-	National Pollutant Discharge Elimination System
NYSDEC	-	New York State Department of Environmental Conservation
NYSDOH	-	New York State Department of Health
NYSDOT	-	New York State Department of Transportation
P	-	Total Phosphorus
PSI	-	Pounds per Square Inch
POTW	-	Publicly Owned Treatment Works
PPM	-	Parts per Million, weight basis
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 W.S.C. 690 L, et seq.
TKN	-	Total Kjeldahl Nitrogen
TSS	-	Total Suspended Solids
UOD	-	Ultimate Oxygen Demand
U.S.C.	-	United States Code of Laws
USEPA	-	United States Environmental Protection Agency

## **Section 203 - UNDEFINED TERMS**

Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

# **ARTICLE 3**

## **USE OF PUBLIC SEWERS REQUIRED**

### **Section 301 - WASTE DISPOSAL UNLAWFUL**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Districts or in any area under the jurisdiction of the Districts, any human or animal excrement, garbage, or objectionable waste.

### **Section 302 - WASTEWATER DISCHARGE UNLAWFUL**

It shall be unlawful to discharge to any natural outlet, within Districts or in any area under the jurisdiction of said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

### **Section 303 - BUILDING PERMIT ALLOWED ONLY WHEN APPROVED WASTEWATER DISPOSAL AVAILABLE**

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers.

### **Section 304 - PRIVATE WASTEWATER DISPOSAL UNLAWFUL**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater generated by property required to be connected to the public sewer.

### **Section 305 - CONNECTION TO PUBLIC SEWER REQUIRED**

The owner of any real property which generates sewage and which abuts on any street or right of way in which a public sanitary sewer is located is hereby required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within six (6) months after the date of official notice to do so. This section shall not apply to the extent it would require an owner to install more than one hundred fifty (150) feet of sewer per user unit connected with the user units for property in unitary ownership in one location aggregated. Such connection may require the installation of a grinder pump and appurtenances or a vacuum valve and appurtenances by the owner consistent with the district's plan of service for the area and dependent upon the characteristics of the owner's property and the public sewer available to it. The time within which such connection must be made may be extended by the Director for good cause shown. Any such extension shall be reviewed annually by the administrative head or body of the district. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

### **Section 306 - LIMITATION ON USE OF PUBLIC SEWERS**

The use of the Districts public sewers shall be strictly limited and restricted, except as provided in Section 307, to receive and accept the discharge of sewage and other wastes, including industrial wastes, generated on, or discharged from real property within the bounds of the Service Area of the POTW.

### **Section 307 - WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA - INTER-MUNICIPAL AGREEMENTS**

The Districts Board, on the recommendation of the Director, and with the approval of the county shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law.

If the person is not a municipality the discharge shall be made only with the expressed written consent of the Director (the issuance of a permit) setting forth the terms and conditions of such a discharge.

#### **Section 308 - MORATORIUM**

At the recommendation of the Director, who determines that:

- (1) one or more segments of the POTW is exceeding its hydraulic capacity at any time
- (2) any specific purpose of this Law is being violated the Districts Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:
  - (1) construction of new facilities
  - (2) enlarging existing facilities
  - (3) correction of inflow and infiltration
  - (4) cleaning and repairing of existing facilities

#### **Section 309 - BASIS OF SEWER USE REQUIREMENT**

All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Districts Board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

### **ARTICLE 4**

#### **PRIVATE WASTEWATER DISPOSAL**

##### **Section 401 - PUBLIC SEWER UNAVAILABLE - PRIVATE WASTEWATER DISPOSAL REQUIRED**

Where a public sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Sanitary Code of the Chautauque County Health District to be enforced by the Chautauque County Health Department.

##### **Section 402 - DIRECT CONNECTION TO NEW PUBLIC SEWERS REQUIRED**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within six (6) months after date of official notice, in compliance with this local law, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with dense material acceptable to the Director so as to prevent the collapse of the facility at the owners expense.

##### **Section 403 - ADDITIONAL REQUIREMENTS**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health officer of the State of New York, County of Chautauque or local municipal government.

### **ARTICLE 5**

#### **NEW SEWERS or SEWER EXTENSIONS**

##### **Section 501 - PROPER DESIGN**

New sanitary sewers and all extensions to sanitary sewers owned and operated by the Districts shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (*Ten State Standards*), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Director, the Chautauque County Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

##### **Section 502 A - NEW SEWERS SUBJECT TO APPROVAL, FEES, INSPECTION, TESTING, AND REPORTING**

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method

of installation shall be subject to the approval of the Director, and the Chautauqua County Health Department, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire installation. Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 503, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Director, without prior notice. The Director shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 504, before any building lateral is connected thereto. The Director shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Districts Board until such construction inspections have been made so as to assure the Districts Board of compliance with this Law and any amendments or additions thereto. The Director has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Director shall report all findings of inspections and tests to the Districts Board.

**Section 502 B - PLANS, SPECIFICATION, AND PIPE TEST RESULTS REQUIRED**

Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Additional force main details are covered in Section 505. When requested, the applicant shall submit, to the Director and to the Chautauqua County Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

**Section 503 A - SEWER PIPE**

(1) Sewer pipe material shall be:

(a) Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.)

The pipe and specials shall conform to ASTM Specification C 76.  
 The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate.  
 Water absorption and three-edge bearing tests shall conform to ASTM Specification C 497.  
 Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C 302.

(b) Cast Iron Pipe - Extra Heavy

Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A 74 or ANSI A 21.11.  
 Gaskets shall conform to ASTM Specification C 564.

(c) Polyvinyl Chloride (PVC) Pipe - Heavy Wall

Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D 1784.  
 Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%).

ANSI/ASTM	D 3034	(4" - 15")
ASTM	F 679	(18" - 27")

(d) Ductile Iron Pipe

Pipe, fittings, and specials shall be manufactured in accordance with ASTM Specification A 746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A 21.11 and have a minimum pressure class rating of 150 PSI.  
 All pipe and fittings shall be cement mortar lined in accordance with ANSI Specification A 21.4 at twice the specified thickness, and have an internal and external bituminous seal coating.  
 Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

(e) Acrylonitrile-Butadiene-Styrene (ABS) Pipe

Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

(f) Other pipe materials

Other pipe materials require prior written approval of the Director before being installed.

(2) The minimum internal pipe diameter shall be 8 inches.

(3) Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are used.

(4) Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled joint, such that the requirements of Section 504 are met.

(5) Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.

(6) Wye branch fittings shall be installed, for connection of street laterals, in accordance with Section 506.

(7) Notwithstanding the foregoing provisions of this section 503A, the following standards shall apply to vacuum and low pressure grinder sewers.

<u>TYPE OF SEWER</u>		
	<u>Vacuum</u>	<u>Low Pressure Grinder</u>
<u>Pipe Materials</u>	<u>PVC Sch. 40</u> <u>ASTM D-1786</u>	<u>PVC SDR-21</u> <u>ASTM D-2241</u>
<u>Joints</u>	<u>Solvent Weld</u>	<u>Solvent Weld</u>
<u>Minimum Pipe Size</u>	<u>4 inches</u>	<u>1 1/2 inches</u>

#### Section 503 B - SAFETY AND LOAD FACTORS

Selection of pipe class shall be predicated on the following criteria:

Safety factor	-	1.5
Load factor	-	1.7
Weight of soil	-	120 lbs/cu. ft.
Wheel loading	-	16,000 lbs.

Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, *Design and Construction of Sanitary and Storm Sewers*, and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

#### Section 503 C - SEWER PIPE INSTALLATION

(1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

(2) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.



(3) The public shall be protected from personal and property damage as a result of the construction work.

(4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

(5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or effected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.

(6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing, before trench excavation is initiated.

(7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunnelling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

(8) Open trenches shall be protected at all hours of the day with barricades, as required.

(9) Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Director. When work is not in progress, including over night, weekends, and holidays, the trench shall be backfilled to ground surface.

(10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.

(11) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.

(12) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.

(13) No structure shall be undercut unless specifically approved by the Director.

(14) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.

(15) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Shoring shall not be removed but cut off no lower than one foot above the pipe crown and no higher than one foot below final grade, and left in the trench, during backfill operations.

(16) The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run maximum 1/2 inch diameter stone. This foundation shall be firmly tamped in the excavation.

(17) Bell holes shall be hand excavated, as appropriate.

(18) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.

(19) The joints shall be made, and the grade and alignment checked and made correct.

(20) Crushed stone shall be placed over the laid pipe to a depth of at least six (6) inches. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.

(21) The pipe shall be in straight alignment.

(22) The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95% of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or other frozen material shall not be used for backfill.

#### Section 503 D - MANHOLE INSTALLATION:

(1) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet; lesser maximum manhole spacing may be required as a condition of approval of a sewer extension.

(2) Manhole bases shall be constructed of 3,000 psi (7 day) concrete 12 inches thick, or shall be precast bases properly bedded in the excavation by level installation on a flat, stable subgrade; where an unstable condition exists, the unstable materials shall be excavated and replaced with compacted granular material. Field constructed bases shall be properly reinforced.

(3) Manhole walls shall be constructed using precast minimum 4 foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478. All sections shall be cast solid, without lifting holes.

(4) All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets.

(5) All joints shall be sealed against infiltration. Each opening in the base section for sewers up to and including 20 inch diameter sewers shall contain a flexible rubber connection installed by the manufacturer of the base section. Flexible rubber connectors shall be: KOR-N-SEAL Flexible Rubber Boot or Dura-Seal III Hydraulic Gasket or equal.

(6) Steps for manholes shall be cast-iron, ASTM A 48, Class 30 or other acceptable to the Director. Steps shall be installed in each manhole in vertical alignment spaced 12 inches on center and shall be placed over the largest bench wall of the manhole. Steps shall have a minimum tread width of 12 inches and shall be precast into the manhole sections or other methods of installation may be used with prior acceptance and approval by the Director.

(7) All precast sections shall be produced at a plant which is approved by the NYS DOT for manufacture of concrete pipe.

(8) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade; alternatively, a manhole insert preventing the entry of surface water through the manhole cover may be installed.

(9) When located in a travelled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron consistent with recent Districts installations manufactured by Jamestown Iron Works bearing specification 20-20A. When located in a lawn or in a field, the manhole frame and cover may be non-traffic light duty cast iron. The cover shall conform to dimensions provided by the Districts. The minimum combined weight of the light duty frame and the cover shall be 420 +/- 5% lbs. The mating surfaces shall be machined, and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented. The size and design shall conform to existing District equipment and practices subject to the approval of the Director with respect thereto.

(10) Benches shall be level and slope to the flow channel at about 1 inch per foot.

(11) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.

(12) Manhole frames shall be set in a full bed of mortar with no less than two nor more than nine courses of brick or concrete rings as approved by the Director underneath to allow for later elevation adjustment.

#### Section 504 A - INFILTRATION/EXFILTRATION TESTING

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Districts. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Director, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall

be some positive method for releasing entrapped air prior to taking any measurements.

#### **Section 504 B - TEST SECTION**

The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of 48-inch diameter pipe, 5 feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per 24 hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made, and the section retested.

#### **Section 504 C - TEST PERIOD**

The test period, during which the test measurements are taken, shall not be less than two (2) hours.

#### **Section 504 D - PIPE LAMPING**

Prior to testing, the section shall be lamped. Any "joint" out of straight alignment shall be realigned.

#### **Section 504 E - AIR TESTING ALTERNATIVE**

In lieu of hydrostatic testing (exfiltration or infiltration), air testing may be employed. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The air test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSI to 2.5 PSI. Acceptance is based on limits stated in ASTM Specification C 828. Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 PSI.

The test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Director prior to testing.

#### **Section 505 - FORCE MAINS**

Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 501. Additional design requirements are:

- (1) Trenching, bedding, and backfilling shall be in accordance with Section 503 C.
- (2) Check valves on discharge side of the pumps shall be installed subject to the requirements of the Director.
- (3) Automatic air relief valves shall be placed at high points and at 400 ft intervals, on level force main runs.
- (4) Air relief and drain valves shall be suitably protected from freezing.
- (5) When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

#### **Section 506 - FINAL ACCEPTANCE AND WARRANTY/SURETY**

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Director, and concurrence by the Districts Board, shall become the property of the Districts and shall thereafter be operated and maintained by the Districts. Said sewers, after their acceptance by the Districts shall be guaranteed against defects in materials or workmanship for eighteen (18) months, by the applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Districts Board, secured by a surety bond or such other security as the Districts Board may approve. Prior to the connection of the sewer extension to the public sewer, the owner shall provide the district with (a) instruments of transfer of all property rights necessary to operate and maintain the sewer extension with acceptable proof of title in such property, (b) the certification of a licensed professional engineer that the sewer extension was constructed in accordance with the approved plans and specifications and (c) the guarantee required under this Section of this Law.

**Section 507 - LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION PERIOD**

(1) Before commencing work, the contractor performing the work shall file with the Districts insurance certificates for the following:

(a) Workman's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor;

(b) Personal Injury Liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);

(c) Property Damage Liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

- i - Premises and Operations;
- ii - Independent Contractors;
- iii - Completed operations and products;
- iv - Property Damage; and
- v - Explosions, collapse and underground;

(d) Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

- i - Bodily injury - each person \$300,000 each occurrence \$500,000
- ii - Property damage - each occurrence \$500,000

(e) All insurance policies must provide for five (5) business days notice to the Districts before cancellation and must cover all liabilities of the Districts and be in a form approved by the Districts.

(f) The Board may increase the minimum levels of liability for the insurance required by this Section upon determination that a change in circumstances (e.g. inflation in damage awards or change in the prevailing levels of coverage for contractors performing sewer construction) or uniform requirements of the County justify or require such increase.

(2) Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the public entity having authority over such public way.

**ARTICLE 6**

**BUILDING LATERALS, STREET LATERALS CONNECTIONS, and FEES**

**Section 601 A - PERMIT REQUIRED FOR SEWER CONNECTIONS**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

**Section 601 B - INFLOW/INFILTRATION PROHIBITED**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer. Area drains may not be connected to the sanitary sewer unless they are designed to transmit only sanitary sewage and not discharges prohibited by this section.

**Section 602 - SEWER LATERAL PERMITS**

There shall be two classes of sewer lateral permits:

- (1) For residential, commercial, and institutional service,
- (2) For service to establishments producing industrial wastes.

In either case, a permit application shall be submitted to the Director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the

judgement of the Director. A fee of \$50 for a connection to a one or two family residential structure, \$150 for a connection to an industrial structure, or \$100 for a connection to all other uses, including apartment buildings and commercial structures shall accompany the application.

#### **Section 603 A - NEW BUILDING LATERALS**

A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Director has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled end the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Director. No new manholes shall be constructed on the portion of the lateral under the building.

#### **Section 603 B - LATERALS SERVING SEVERAL BUILDINGS**

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgement.

#### **Section 603 C - LATERALS SERVING COMPLEXES**

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

#### **Section 603 D - DRY SEWERS**

Dry Sewers shall be designed and installed in accordance to this Law.

#### **Section 604 - USING EXISTING BUILDING LATERALS**

Existing building laterals may be used in connection with new buildings only when they are found, on examination by the Director, to meet all requirements of this local Law.

#### **Section 605 - LATERAL PIPE MATERIALS**

Building and street lateral pipe materials shall be one of the following:

(1) Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings". All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end", if gasket joints are used.

(2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the Director where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Director. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Director. The size and slope of building and street laterals shall be subject to approval by the Director, but in no event shall the internal pipe diameter be less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot.

#### **Section 606 A - STREET LATERAL TO PUBLIC SEWER CONNECTION**

At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that

flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

#### **Section 606 B - FUTURE CONNECTION LOCATIONS; AS-BUILT DRAWINGS**

The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted a standard plug approved for use by the Director. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing and four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Director. A refundable deposit shall be placed with the Districts to assure receipt of these as-built drawings. The deposit shall be placed when application is made; the amount of the deposit shall be \$100 per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the Districts until four (4) copies of this record drawing have been so filed with the Director and the Director has approved the submitted drawings.

#### **Section 606 C - SPECIAL MANHOLE REQUIREMENTS**

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Director, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Director shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as ordered by the Director. If required, a new manhole shall be installed in the public sewer pursuant to Sections 503 D and 1007, and the lateral connection made thereto as directed by the Director.

#### **Section 607 - LATERALS AT AND NEAR BUILDINGS**

Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

#### **Section 608 - SEWAGE LIFTING**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Director.

#### **Section 609 - LATERAL PIPE INSTALLATION**

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Director. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four (4) feet.

#### **Section 610 A - WATERTIGHT JOINTS**

All joints and connections shall be made watertight.

#### **Section 610 B - CAST IRON PIPE POURED JOINTS**

Poured joints for cast iron pipe shall be firmly pecked with oakum or hemp, and the annulus filled with an approved compound not less than 1 inch deep. The said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Director. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees F, nor be soluble in any of the wastes carried by the lateral.

#### **Section 610 C - CAST IRON PUSH JOINTS**

Premolded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the Director. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be premolded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe end fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and spacial pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically attack the gasket material.

#### **Section 610 D - PVC PUSH JOINTS**

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 605.

#### **Section 611 A - BUILDING LATERAL/STREET LATERAL CONNECTION**

(1) The connection of the building lateral to an existing street lateral shall be made at the upstream terminus of the street lateral. Except as provided under Section 502, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by a licensed plumber, at the owner's expense. The street lateral shall be installed with a property sealed and covered clean-out to grade located at the property line. The clean-out shall terminate in a metal box imbedded in concrete.

(2) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

(3) The owner shall indemnify the Districts from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.

(4) It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.

(5) The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Director. After the installation of the street lateral has been approved by the Director, the new street lateral shall become the property of the Districts. Any subsequent repairs to the new street laterals shall be made by the Districts at the Districts' expense.

#### **Section 611 B - CLEANOUT REPAIR/REPLACEMENT**

If, in the judgement of the Director, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Districts may install a clean-out at the property line, at the owner's expense, such that the street lateral can be maintained independently of the building lateral.

#### **Section 611 C - STREET LATERAL REPLACEMENT: OWNERSHIP**

Any existing street lateral which, upon examination by the Director, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and clean-out shall be at the owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the Director, the new street lateral shall become the property of the Districts. Any repairs to new street laterals shall be made by the Districts at the Districts' expense.

#### **Section 612 - TESTING**

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by (a) any full pipe method described in Section 504, or (b) by a suitable joint method, with the prior written approval of the Director.

#### **Section 613 A - CONNECTION INSPECTION**

The applicant for the building lateral permit shall notify the Director when the building lateral is ready for inspection and connection to the street lateral is to be made. The connection shall be made under the supervision of the Director. When street laterals are installed pursuant to Section 602, the property owner, builder, or developer shall notify the Director when the street lateral is ready for inspection and connection to the main sewer, and such connection shall be made under the supervision of the Director.

#### **Section 613 B - TRENCH INSPECTIONS**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes pursuant to Section 602, such trenches shall be inspected by the Director. Before the trenches are backfilled, the person performing such work shall notify the Director when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Director.

#### **Section 614 - PUBLIC SAFETY PROVISIONS REQUIRED; RESTORATION OF DISTURBED AREAS**

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Director. When installation requires disturbance of paved public roads and shoulders, restoration shall conform to the requirements of the public entity having authority over such public way.

#### **Section 615 - INTERIOR CLEAN-OUT**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout diameter shall be no less than the building lateral diameter.

#### **Section 616 - COSTS BORNE BY OWNER**

All costs associated with the provisions of this Article shall be borne by the property owner. The property owner shall indemnify the Districts 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.

#### **Section 617 - FIXTURES AND AREA DRAINS SUBJECT TO BACKWATER**

Where fixture or area drains are subject to overflow as the result of backwater from the public sewer system, accessible backwater valves shall be installed in the fixture drains of such fixtures or in the branch drains of such area drains or an accessible gate valve shall be installed in the building drain at its point of entry inside the building and downstream from any building trap. Nothing in this section shall be construed to permit area drains which are prohibited by Section 601B of this law or otherwise prohibited.

#### **Section 618 - DESIGN OF BACKWATER VALVES**

Backwater valves shall be designed so as to provide a positive mechanical seal against backwater, and, when fully opened, such valves shall have flow capacity not less than that of the piping in which they are installed. All bearing parts of such valves shall be of corrosion resistant material.

## **ARTICLE 7**

### **INFLOW**

#### **Section 701 - NEW INFLOW SOURCES PROHIBITED**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, surface drainage, sump pump discharge or cooling water to any sewer. Stormwater runoff from limited areas, which stormwater may be polluted at times, may only be discharged to the sanitary sewer by permission of the Director.

#### **Section 702 - NO RE-CONNECTION OF INFLOW SOURCE ALLOWED**

It shall be a willful violation of this Law for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

#### **Section 703 - CHARGES FOR INFLOW**

The Director is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article 12, however, the Districts Board may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.



## ARTICLE 8

### SCAVENGER WASTES

#### Section 801 - LICENSES AND APPLICATION

The discharge of scavenger wastes into the Districts sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Director. Applicants for such license shall apply on a form provided by the Director. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Director may require, to determine whether the scavenger wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Director, not to exceed \$100 per vehicle. The scavenger licensee will also be charged a fee for each dumping, in accordance with Article 12. The dumping fee shall be paid prior to dumping.

#### Section 802 - CONCURRENT REQUIREMENTS

The applicant for a license shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the Director, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 (364 permit). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Director, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Director for willful, continued, or persistent violation thereof.

#### Section 803 - DUMPING LOCATION AND TIMING

The Director may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week, or seasons of the year as shall be stated on said license or as may be relocated by the Director. The time and conditions for permissible discharge shall be as set forth on the license, or as may be revised by the superintendent.

#### Section 804 - NOTIFICATION OF DUMPING

Each discharge of scavenger wastes shall be made only with the approval of the Director. The Director may require inspection, sampling, and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling, and analysis shall be paid by the licensee.

#### Section 805 - IDENTIFICATION OF VEHICLE AND LOAD

Each tanker vehicle shall bear an identification sticker visibly displayed, which will be issued with the permit. The source of each load shall be identified in writing by the hauler at the time of delivery. Delivery tickets shall be signed at the sewage treatment plant for each load.

## ARTICLE 9

### DISCHARGE RESTRICTIONS AND PROTECTION FROM DAMAGE

#### Section 901 - PRETREATMENT STANDARDS

All users of the Districts POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act.

#### Section 902 - GENERAL PROHIBITIONS

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

(1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25% nor any single reading be more than 40% of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Districts, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.

(5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

(6) Oils and grease - Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease, or oils, or fats, waxes, grease or oil which become floatable when the wastes cool to the temperature prevailing in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than 100 mg/l of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

(7) Any substance which will cause interference or pass through.

(8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Director reserves the right, in certain instances, to prohibit wastes at temperatures lower than 65 degrees C.

(10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.

(11) Any wastewater containing any radioactive wastes except as approved by the Director, and in compliance with applicable State and Federal regulations.

(12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

#### Section 903 - CONCENTRATION BASED LIMITATIONS

No user shall discharge wastewater to the Sanitary Sewer System when any of the pollutant concentrations exceed limits specified below unless permitted by the Director, upon finding that such concentrations do not interfere with the overall operation of the POTW and its ability to meet the state and federal discharge requirements. These concentrations shall be applied to wastewater effluence at the point just prior to discharge into the POTW. With the expressed written consent of the Director, users with multiple discharge out falls may combine wastes streams by calculation to report on wastewater characteristics.

SUBSTANCE (1)	EFFLUENT CONCENTRATION LIMIT - mg/l (2)
Arsenic	0.2
Barium	4.0

Cadmium	0.4
Chlorine (Available)	50.0
Chromium (hex)	0.2
Chromium (total)	1.0
Copper	3.0
Cyanide total)	1.6
Cyanide (free)	0.4
Fluorides	4.0
Gold	0.2
Iron	5.0
Lead	0.5
Manganese	4.0
Mercury	0.2
Molybdenum	0.05
Nickel	1.0
Phenols, total	4.0
Selenium	0.1
Silver	0.2
Sulfides	6.0
Zinc	1.0

(1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

(2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day.

#### Section 904 - MODIFICATION OF LIMITATIONS

Limitations on wastewater strength contained in this Law may be supplemented with more stringent limitations when, in the opinion of the Director:

- (1) The limitations in this Law are not sufficient to protect the POTW,
- (2) The limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,
- (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the Districts desires, as a result of discharge of wastewaters at the above prescribed concentration limitations,
- (4) Municipal employees or the public will be endangered, or
- (5) Air pollution and/or groundwater pollution will be caused.

The limitations on wastewater strength shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the Districts Board. This Law shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

#### Section 905 - DILUTION

Except where expressly authorized to do so by an applicable Pretreatment Standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. Dilution flow shall be considered to be inflow.

#### Section 906 - GREASE, OIL, AND SAND INTERCEPTORS

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity required to meet the discharge standards of this local law, listed by the International Association of Plumbing and Mechanical Officials and approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

#### **Section 907 - VANDALISM**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this paragraph shall be subject to immediate arrest under a charge of disorderly conduct and to all other remedies as set forth in Article 11 of this law.

#### **Section 908 - MANHOLE ACCESS**

No manhole cover shall be removed or any object placed in the sewer through any manhole, except with the authorization of the Director.

#### **Section 909 - ENCROACHMENT UPON DISTRICTS' FACILITIES AND EASEMENTS**

No building, structure, roadway, sidewalk or other improvement or modification thereto shall be constructed over any part of the Districts' wastewater facilities or within any easement for such facilities without the express written consent of the Director. Any such building, structure, roadway, sidewalk or other improvement which has heretofore been constructed contrary to applicable law or the easement rights of the Districts shall be removed as promptly as reasonably possible after notice demanding such removal is given to the owner of the property where such structure is located. Failure to provide such notice shall not constitute consent to such encroachment. Failure to effect such removal as provided by this paragraph is subject to the enforcement provisions of Article 11 of this law.

#### **Section 910 - BUILDING PERMITS**

No owner, developer or builder shall be issued a building permit for a new building, structure, roadway, sidewalk or other improvement or modification thereto on any real property located within the Districts or located without the Districts and connected to the POTW if the construction of such improvement would violate Section 909 of this law.

## **ARTICLE 10**

### **DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS**

#### **Section 1001 - WASTEWATER DISCHARGE REPORTS**

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user shall be required to notify the Director of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Director. The Director may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Director deems necessary. All information shall be furnished by the user in complete cooperation with the Director.

#### **Section 1002 - NOTIFICATION TO INDUSTRIAL USERS**

The Director shall, from time to time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

#### **Section 1003 A - WASTEWATER DISCHARGES**

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the Director. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

#### **Section 1003 B - WASTEWATER DISCHARGE PERMITS REQUIRED FOR SIGNIFICANT INDUSTRIAL USERS**

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a Wastewater Discharge Permit within 30 days after the effective date of this Law, and shall obtain such a permit within 90 days after making application. The industrial user making application for a permit shall pay the reasonable expenses of the Districts for reviewing the permit application and administering the permit including costs relating to the Districts' personnel and facilities and out-of-pocket expenses for such items as consulting engineers' fees and laboratory charges.

### Section 1003 C - OTHER INDUSTRIAL USERS

The Director may issue Wastewater Discharge Permits to other industrial users of the POTW.

### Section 1003 D - DISCHARGE PERMITS TO STORM SEWERS NOT AUTHORIZED

The Districts do not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

### Section 1004 A - APPLICATION FOR WASTEWATER DISCHARGE PERMITS

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Director an application in the form prescribed by the Districts. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address).
- (2) SIC code of both the industry and any categorical processes.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 9 and 10 of this Local Law and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- (4) Time and duration of the discharge.
- (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (8) Each product produced by type, amount, process or processes, and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional pretreatment is required for the user to meet all applicable Standards.
- (12) If additional pretreatment will be required to meet the Standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
  - (b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.
  - (c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Director.
- (13) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Districts may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### Section 1004 B - PERMIT MODIFICATIONS

Wastewater Discharge Permits may be modified by the Director, upon 30 days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable National Categorical Pretreatment Standard.
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
- (3) Changes in general discharge prohibitions and local limits as per Section 903 of this law,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the POTW,
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### Section 1004 C - PERMIT CONDITIONS

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations, user charges and fees established by the Districts. Permits may contain the following:

- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and aequalization.
- (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (6) Compliance schedules
- (7) Requirements for submission of technical reports or discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Districts, and affording the Director access thereto.
- (9) Requirements for notification of the Districts of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- (10) Requirements for the notification of the Districts of any change in the manufacturing end/or pretreatment process used by the permittee.
- (11) Requirements for notification of excessive, accidental, or slug discharges.
- (12) Other conditions as deemed appropriate by the Districts to ensure compliance with this Law, and State and Federal laws, rules, and regulations.

#### **Section 1004 D - PERMIT DURATION**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### **Section 1004 E - PERMIT REISSUANCE**

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Director, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### **Section 1004 F - PERMIT TRANSFER**

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

#### **Section 1004 G - PERMIT REVOCATION**

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Director timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

#### **Section 1004 H - PUBLIC NOTIFICATION**

The Districts will publish in *The Post Journal* or its successor informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

#### **Section 1005 - REPORTING REQUIREMENTS FOR PERMITTEE**

(1) **Baseline Monitoring Report**

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit, to the Director, the information required by paragraphs (8) and (9) of Section 1004 A.

(2) **90-Day Compliance Report**

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit, to the Director, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(3) **Periodic Compliance Reports**

(a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.

(b) The Director may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by

Section 1005 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Director, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(4) Other reports

The Director may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

**Section 1006 - FLOW EQUALIZATION**

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater discharge permit may be issued solely for flow equalization.

**Section 1007 - MONITORING STATIONS (CONTROL MANHOLES)**

(a) All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(b) If there is more than one street lateral serving an Industrial User, the Director may require the installation of a control manhole on each lateral.

(c) The Director may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Director, or his designated representative.

**Section 1008 - PROPER DESIGN AND MAINTENANCE OF FACILITIES AND MONITORING STATIONS**

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the Director may approve or disapprove the adequacy of such facilities. Where the Director disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Director. Construction of new or upgraded facilities shall not commence until written approval of the Director has been obtained.

**Section 1009 - VANDALISM, TAMPERING WITH MEASURING DEVICES**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the malicious, willful, or negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- i - any structure, appurtenance, or equipment which is a part of the Districts POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law.

**Section 1010 - SAMPLING AND ANALYSIS**

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analysis. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).



### **Section 1011 - ACCIDENTAL DISCHARGES**

Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit when required by the Director, detailed plans and procedures to provide for this protection shall be submitted to the Director, for approval. This plan shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Users shall immediately notify the Director of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the Director to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Director shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

### **Section 1012 - POSTING NOTICES**

In order that the Industrial User's employees be informed of the Districts' requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Districts' requirements and whom to call in case of an accidental discharge in violation of this Law.

### **Section 1013 - SAMPLE SPLITTING**

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Districts' representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols. One of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the Districts for its own analysis.

### **Section 1014 - ACCESS TO INFORMATION**

When requested, the Director shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Director, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, providing that the governmental agency making the request agree to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. The Director shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

### **Section 1015 A - ACCESS TO PROPERTY**

The Director and other authorized representatives of the Districts representatives of EPA, NYSDEC, NYSDOH, and/or Chautauque County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the Districts POTW, and with the provisions of this Law. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

### **Section 1015 B - ACCESS TO EASEMENTS**

The Director and his duly authorized agents, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Districts holds an easement for the purpose

of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Districts public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

#### **Section 1015 C - LIABILITY OF PROPERTY OWNER**

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1014 A and 1014 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

#### **Section 1016 - SPECIAL AGREEMENTS**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Districts and any User of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Districts Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the Districts for wastewater conveyance and treatment, and sludge management and disposal

No discharge which violates the Federal Pretreatment Standards will be allowed under the terms of such special agreements.

## **ARTICLE 11**

### **ENFORCEMENT AND PENALTIES**

#### **Section 1101 - ENFORCEMENT RESPONSE PLAN**

The Director shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall: describe how the Director will investigate instances of non-compliance, describe the types of escalated enforcement actions that the Director will take in response to all anticipated types of User violations, and the time periods within which to initiate and follow-up these actions to adequately reflect the Districts Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain: criteria for scheduling periodic inspection and/or sampling visits to POTW Users forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence systems to track due dates, compliance schedule milestones, and pending enforcement actions criteria, responsible personnel, and procedures to select and initiate an enforcement action.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as: magnitude of the violation, duration of the violation, affect of the violation on the receiving water, effect of the violation on the POTW, compliance history of the User, good faith of the User, and shall promote consistent and timely use of enforcement remedies.

The Districts Board shall approve the Enforcement Response Plan. The Enforcement Response Plan provides for a consistent and timely approach to enforcement and the Board's approval is not needed before an enforcement action is undertaken. The Enforcement Response Plan shall be reviewed at least every five years.

## **ADMINISTRATIVE REMEDIES**

### **Section 1102 - NOTIFICATION OF VIOLATION**

Whenever the Director finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Director may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Director, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

### **Section 1103 - CONSENT ORDERS**

The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

### **Section 1104 - ADMINISTRATIVE OR COMPLIANCE ORDER**

When the Director finds that a User has violated or continues to violate this Law or a permit or order issued thereunder, he may issue an order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no recurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within 15 days of receipt of such order, petition the Director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Director by registered mail. The Director may:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

### **Section 1105 - CIVIL PENALTIES**

Notwithstanding any other section of this Law, any user who is found to have violated any provision of this Law, or permits or orders issued hereunder, shall be liable for a civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation as initially established by the Director subject to modification, if any, made by the Districts' Board pursuant to Section 1108 of this law. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Any such penalty shall specify what portion thereof represents actual loss to the Districts caused by the violation.

The User may, within 15 calendar days of notification of such civil penalty, petition the Director to modify or suspend the civil penalty. Such petition shall be in written form and shall be transmitted to the Director by registered mail. The Director may:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the civil penalty,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

### **Section 1106 - CEASE AND DESIST ORDERS**

When the Director finds that a User has violated or continues to violate this Law or any permit or order issued hereunder, the Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (a) Comply forthwith
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within 15 days of receipt of such order, petition the Director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Director by registered mail. The Director may:

- (1) Reject any frivolous petitions,

- (2) Modify or suspend the order,
- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

#### **Section 1107 - TERMINATION OF PERMIT**

Any user who violates the following conditions of this Law or a wastewater discharge permit or order, or any applicable or State and Federal law, is subject to permit termination:

- (a) Violation of permit conditions
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non-compliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within 15 calendar days of receipt of such notification, petition the Director to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Director by registered mail. The Director may:

- (1) Reject any frivolous petitions,
- (2) Request additional information from the user, or
- (3) Order the petitioner to show cause in accordance with Section 1108.

#### **Section 1108 - SHOW CAUSE HEARING**

The Director may order any User appealing administrative remedies for violations of this law to show cause, before the Districts Board why an enforcement action, initiated by the Director, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Districts Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Districts Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment.

The Districts Board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the Department of Public Works to:

- (1) Issue, in the name of the Districts Board notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Districts Board for action thereon.

After the Districts Board has reviewed the evidence, it may order the user to comply with the Director's order or civil penalty, modify the Director's order or civil penalty or vacate the Director's order or civil penalty. Any modified penalty shall specify what portion thereof represents actual loss to the Districts caused by the violation.

#### **JUDICIAL REMEDIES**

##### **Section 1109 - FINES**

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any order or determination of the Director promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Districts for a fine not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Districts Attorney at the request of the Director in the name of the Districts in any court of competent jurisdiction. In addition to the

above described penalty and damages, the Director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such fine may be released or compromised by the Director before the matter has been referred to the Districts attorney, and where such matter has been referred to the Districts attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Districts Attorney, with the consent of the Director.

#### **Section 1110 - COURT ORDERS**

In addition to the power to assess penalties as set forth in this Article, the Director shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) suspending, revoking, or modifying the violator's Wastewater Discharge Permit
- (2) enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the Districts Attorney at the request of the Director in the name of the Districts, in any court of competent jurisdiction.

#### **Section 1111 - CRIMINAL PENALTIES**

Any person who willfully violates any provision of this Law or any final determination or order of the Director made in accordance with this Article shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred (\$500) nor more than one thousand dollars (\$1,000). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall, upon conviction, be punished by a fine of not more than \$1,000.00 per violation per day or imprisonment for not more than one year or both. In the event of a second conviction, the User shall be punishable by a fine not to exceed \$3,000.00 per violation per day or imprisonment for not more than 3 years or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

#### **Section 1112 - INJUNCTIVE RELIEF**

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Director, through counsel may petition the Court, in the name of the Districts, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Director.

#### **Section 1113 - DAMAGES**

Any person violating any of the provisions of this Law shall, in addition, be civilly liable to the Districts for any expense, loss, or damage occasioned to the Districts by reason of such violation.

#### **Section 1114 - SUMMARY ABATEMENT**

Notwithstanding any inconsistent provisions of this Law, whenever the Director finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in his judgement, present an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Director may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practicable with respect to the condition or activity intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Director may take all appropriate action to abate the violating condition the cost of which shall be collected in the same manner as a civil penalty under Sections 1105, 1109, and 1122 of this Law. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Director shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

The Director, acting upon the belief that an emergency exists, shall be indemnified against any

personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW.

## MISCELLANEOUS

### Section 1115 - DELINQUENT PAYMENTS

If there shall be any payments which are due to the Districts or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Districts, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

### Section 1116 - PERFORMANCE BONDS

The Director may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

### Section 1117 - LIABILITY INSURANCE

The Director may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

### Section 1118 - INFORMANT REWARDS

The Director is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, the Director is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000.

### Section 1119 - PUBLIC NOTIFICATION

The Director Shall provide public notification, in the daily newspaper with the largest circulation in the Districts of Users which were significantly in violation of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year. For the purposes of this Section, a significant violation shall be a violation:

- (1) Which remains uncorrected 45 calendar days after notification of noncompliance or
- (2) Which is a part of a pattern of noncompliance over the past 12-month period or
- (3) Which involves a failure to accurately report noncompliance or
- (4) Which resulted in the Director exercising his emergency authority to halt or prevent any discharge which presents an imminent danger to persons or property.

### Section 1120 - CONTRACTOR LISTINGS

(a) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Districts.

(b) Existing contracts for the sale of goods or services to the Districts held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Districts Board.

### Section 1121 - LEVY OF CIVIL PENALTIES

The Districts shall transmit to the County Director of Finance on or before October 1 of each year a list of those property owners within the Districts against whom a civil penalty has been imposed pursuant to Section 1105 of this law or with respect to whom costs of summary abatement pursuant to Section 1114 of this law have been incurred for which a show cause hearing has been held pursuant to Section 1108 of this law, the notice for which having included advice that such a civil penalty or summary abatement cost will constitute a lien upon the property involved in the violation where such civil penalty or summary abatement cost has been outstanding and unpaid for at least thirty (30) days and has not previously been levied pursuant to this section. The list shall contain a brief description

of the properties with respect to which such civil penalties or summary abatement costs were imposed, the names of the person or corporations liable to pay for the same and the amount chargeable to each, including penalties and interest, computed, pursuant to Section 1115 of this law, to December 31. The County shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name "County Sewer Penalty". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the County Finance Director. All of the provisions of the tax laws of the State of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such county sewer penalty. Such amounts, when received by the County Finance Director, shall be credited to the Districts' fund and shall be used only for the purposes of such Districts.

## ARTICLE 12

### CHARGES

#### Section 1201 - NORMAL SEWAGE SERVICE CHARGES

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge which charge shall be collected as a sewer user charge pursuant to Section 266 of the County Law.

#### Section 1202 - SURCHARGE FOR ABNORMAL SEWAGE

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge. The total sewer service charge, (which shall be called the "User Charge"), is comprised of two parts, as follows:

$$UC(t) = UC(n) + UC(an)$$

Where:

UC(t) = total User Charge for POTW operation and maintenance  
 UC(n) = User Charge associated with normal sewage  
 UC(an) = User Charge associated with abnormal sewage

$$UC(n) = OM(QIA/QA)$$

$$UC(an) = OM/100 \{ [OB \times (BIA-Bn)/BA] + [OS \times (SIA-Sn)/SA] + [OP \times (PIA-Pn)/PA] + [ONH \times (NHIA-NHn)/NHA] + [OTK \times (TKIA-TKn)/TKA] \}$$

Where:

OM = total annual POTW operation and maintenance costs  
 OQ = percentage of OM attributable to flow (Q)  
 OB = percentage of OM attributable to BOD5  
 OS = percentage of OM attributable to suspended solids  
 OP = percentage of OM attributable to total phosphorus  
 ONH = percentage of OM attributable to ammonia  
 OTK = percentage of OM attributable to total Kjeldahl nitrogen  
 QIA = average daily flow rate (MGD) from discharger  
 BIA = average daily BOD5 loading (LB/DAY) from discharger  
 SIA = average daily suspended solids loading (LB/DAY) from discharger  
 PIA = average daily total phosphorus loading (LB/DAY) from discharger  
 NHIA = average daily ammonia loading (LB N/DAY) from discharger  
 TKIA = average daily total Kjeldahl nitrogen loading (LB N/DAY) from discharger  
 QA = average daily flow rate (MGD) at the POTW treatment plant  
 BA = average daily BOD5 loading (LB/DAY) at the POTW treatment plant  
 SA = average daily suspended solids loading (LB/DAY) at the POTW treatment plant  
 PA = average daily total phosphorus loading (LB/DAY) at the POTW treatment plant  
 NHA = average daily total ammonia loading (LB N/DAY) at the POTW treatment plant  
 TKA = average daily total Kjeldahl nitrogen loading (LB N/DAY) at the POTW treatment plant  
 Bn = BOD5 loading (LB/DAY) in discharge if it were normal sewage  
 Sn = suspended solids loading (LB/DAY) in discharge if it were normal sewage  
 Pn = total phosphorus loading (LB/DAY) in discharge if it were normal sewage

NHn	=	ammonia loading (LB N/DAY) in discharge if it were normal sewage
TKn	=	total Kjeldahl nitrogen loading (LB N/DAY) in discharge if it were normal sewage

Note: if any difference terms in the equation above is negative, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative.

Note: all averages are arithmetic averages determined from available data during the billing period.

#### Section 1203 - MEASUREMENT OF FLOW

In the event that a person discharging wastes into the POTW produces evidence, to the Director, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Director shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from un-metered sources, the Director shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Director and shall be installed, maintained, and periodically tested as required by the owner, at his expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Director. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Director, at the owner's expense. The volume of flow to be used in computing surcharges imposed under this Article shall be set forth in the User Charge Law of the Districts enacted under Section 266 of the County Law. Anything in this law to the contrary notwithstanding, a sewage flow measuring device shall not be the basis for charges in the North Chautauque Lake Sewer District.

#### Section 1204 - BILLING PERIOD

The Billing Period for the surcharge shall be in accordance with the User Charge Law of the Districts established pursuant to Section 266 of the County Law.

#### Section 1205 - PRETREATMENT PROGRAM COSTS

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the User, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals
- (8) application for consistent removal status as outlined in 40 CFR 403
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government

#### Section 1206 - CHARGES FOR SCAVENGER WASTES

The charge for dumping septage into the POTW shall be established by the Director in an amount not to exceed \$100.00 per 1000 gallons dumped. The manner of determining the volume dumped shall be at the discretion of the Director.

#### Section 1207 - IMPACT FEES

The Districts (Board) shall have the authority to impose impact fees on new development, which development may:

- (1) cause enlargement of the service area of the POTW
- (2) cause increased hydraulic and/or treatment demands on the POTW



**Section 1208 - USER CHARGE LAW VIOLATION**

Any violation of the Sewer User Charge Law of the Districts enacted pursuant to Section 266 of the County Law of the State of New York shall constitute a violation of this Local Law and shall be subject to enforcement pursuant to Article 11 of this Local Law.

**ARTICLE 13**

**PUBLIC DISCLOSURE OF POTW OPERATIONS**

**Section 1301- POTW OPERATIONS OPEN TO THE PUBLIC**

It shall be the policy of the Districts' Board to conduct all business with full disclosure to the public.

**Section 1302- PROCEDURAL REQUIREMENTS AVAILABLE**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Law and for requesting a hearing shall be formulated by the Districts and be made available to any resident or property owner of the Districts upon request.

**Section 1303- VALIDITY THROUGH PUBLIC INSPECTION**

The Districts shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Districts in administration of this Law. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

**ARTICLE 14**

**LOCAL LAW IN FORCE**

**Section 1401 - LOCAL LAWS SUPERSEDED**

Cheutuauqua County Local Laws 13-79 and 14-79 and subsequent Local Laws amending such laws are superseded by this Local Law as of the effective date of this Local Law and other Local Laws or parts of Local Laws in conflict herewith are hereby repealed.

**Section 1402 - SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment decree or order shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment, decree or order shall have been rendered, and to this end the provisions of each section of this Local Law are hereby declared to be severable.

**Section 1403 - EFFECTIVE DATE**

This Law shall take effect thirty (30) days after its filing in the Office of the New York Secretary of State. [Such filing occurred July 25, 1994. The effective date of this law is August 24, 1994.]

