



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

June 23, 2011

Amy S Young  
Young Sommer...LLC  
Executive Woods  
Five Palisades Drive  
Albany NY 12205

**RE: Town of Tompkins, Local Law 1 2011, filed on June 22, 2011**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Tompkins

Local Law No. 1 of the year 2011

A local law enacting a Sewer Use Law governing the Town's wastewater collection system and  
(Insert Title)  
treatment facility

Be it enacted by the Town Board of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village  
(Select one:)

of Tompkins

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Tompkins was duly passed by the Town Board on May 23, 2011, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local (Elective Chief Executive Officer\*)  
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

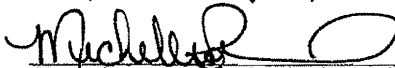
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

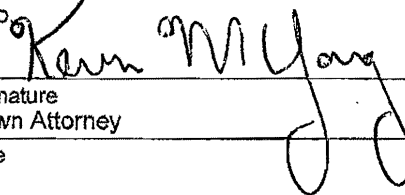
Date: May 23, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK

COUNTY OF Delaware

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature  
Town Attorney  
Title

County  
City of Tompkins  
Town  
Village

Date: May 24, 2011

**LOCAL LAW NO. 1 OF YEAR 2011**

**A Local Law Enacting a**

# **SEWER USE LAW**

**governing the use of the Town's wastewater collection system and treatment facility.**

**Town of Tompkins**

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APPENDIX C Average Gallons per Day per parcel as specified in Table 6.1 of the Strategic Wastewater Planning Study.

APPENDIX D Designated Service Area and tax parcels included in the Service Area as Exhibit 3.4.A to the Facility Plan

APPENDIX E O&M Agreement

## ARTICLE 1

### SHORT TITLE AND PURPOSE

Section 101	Short Title
Section 102	General Purpose
Section 103	Specific Purposes
Section 104	Replacement of Previous Sewer Use Law or Ordinance
Section 105	Notes on Referenced Standards

#### **Section 101 - Short Title**

For brevity and ease of communication, this Law may be cited as the Town of Tompkins 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 Town of Tompkins Publicly Owned Treatment Works (POTW) including the Tompkins Wastewater Treatment Plant and Sewage Collection System.

#### **Section 103 - Specific Purposes**

The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the Municipal WWTP Sewer System that will:

- (a) interfere with the Municipal WWTP Sewer System in any way, or
- (b) pass through the Municipal WWTP Sewer System into the State's waters and cause contravention of standards for those waters or cause violation of the Municipal WWTP Sewer System's SPDES permit, or
- (c) hamper the disposal of Municipal WWTP Sewer System sludge and/or other residuals, or
- (d) endanger employees responsible for the operation, maintenance, and repair of the Municipal WWTP Sewer System, or
- (e) cause air pollution, or groundwater pollution, directly or indirectly, or
- (f) cause, directly or indirectly, any public nuisance condition.

- (2) To prevent new sources of infiltration and inflow and, the extent practicable, eliminate existing sources of infiltration and inflow.
- (3) To assure that new sewer connections are properly constructed.

#### **Section 104 - Replacement of Previous Sewer Use Law or Ordinance**

If there is an existing local sewer use law or ordinance, then the provisions of the existing law or ordinance are hereby repealed and said provisions are replaced by the herein set forth Articles 1 through 14.

#### **Section 105 - Notes on Referenced Standards**

Where this Law references standards of design or construction, such as but not limited to ASTM standards, ANSI standards, and Ten State Standards, or NYCDEP, NYSDEC or US EPA regulation or standards, such reference will be to the latest edition of any such standard or regulation.

## ARTICLE 2

### DEFINITIONS

Section 201	Defined Terms
Section 202	Abbreviations
Section 203	Undefined Terms

#### **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. For the purposes of this Law, 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 U. S. 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.

**Appropriate Agencies** - For purposes of this Ordinance, with respect to the Inspector's exercise of judgment in fulfilling his/her responsibilities and obligations under this Ordinance, Appropriate Agencies shall include, in the discretion of the Inspector on a case-by-case basis, any or all of the following: the WWTP Chief Operator, Water and Sewer Public Works Superintendent, the Town Board, the Town engineer or consulting engineer, NYSDEC, NYSDOH, NYCDEP and US EPA.

**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 New York State Department of Environmental Conservation (NYSDEC), 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 Inspector for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewater, and/or sludge.

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

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

- (1) A principal executive officer or his designee, if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
- (3) 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.

**Available Capacity of Municipal WWTP Sewer System** - Difference between the Municipal WWTP Sewer System's permitted capacity and the average daily flows that the Municipal WWTP Sewer System treats.

**BOD, denoting Biochemical Oxygen Demand** - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**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 Lateral** - The portion of a lateral that extends from the property line (or theoretical curb-cut) up to the foundation of the structure being served by the sewer system. The term Building Lateral includes the septic tank as part of the small diameter gravity sewer collection system.

**Capacity of Municipal WWTP Sewer System** - The maximum amount of wastewater flow (in gal. per day) that the Municipal WWTP Sewer System can effectively treat. This is the same as the Municipal WWTP Sewer System's design flow permitted under its SPDES Permit.

**Categorical Industrial User** - See User, Categorical Industrial

**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.

**City of New York's Water Supply** - The New York City public water supply system includes all water courses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

**COD, denoting 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.

**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.

**Composite 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** - Attachment of a structure with plumbing to a sewer main or lateral.

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

**Control Manhole** - A manhole accessible to wastewater treatment plant and/or sewer system personnel in or upstream of the street lateral, such that samples collected from the manhole represent the flow to the Municipal WWTP Sewer System **from a specific source**.

**Conventional Pollutant** - A pollutant that the Municipal WWTP Sewer System 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.

**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.)

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

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

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

**End of Pipe** - For the purpose of determining compliance with limitations prescribed by Article 7 (Discharge Restrictions), end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the Municipal WWTP Sewer System.

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

**EPA, USEPA, or U.S. 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.

**Extension** - Attachment of a sewer line, with more than one user, to an existing sewer line.

**Facility** - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

**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 Trap** - A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

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

**Indirect Discharge** - The introduction of wastewater into the Municipal WWTP Sewer System 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 (ICS)** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**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, 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.

**Inspector** - Individual (or their authorized representative) chosen by the Town Board who is responsible to oversee Municipal WWTP Sewer System operations in the Town. He/she is responsible for receiving permit applications for the construction of sewer laterals and/or connections and for rendering determinations on such actions. The Inspector is also responsible for enforcing the Town of Tompkins Sewer Use Law.

**Interference** - A discharge which, alone or in conjunction with discharges by other sources, (1) inhibits or disrupts the Municipal WWTP Sewer System, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) therefore is a cause of a violation of any requirement of the Municipal WWTP Sewer System's SPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal by the Municipal WWTP Sewer System in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- (a) - Section 405 of the Clean Water Act,
- (b) - 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),
- (c) - Clean Air Act,
- (d) - Toxic Substance Control Act, and
- (e) - Marine Protection Research and Sanctuaries Act.

**Lateral** - Pipe or conduit that goes from the sewer main up to the foundation of a structure with plumbing that is used to transmit sewage from the structure to the sewer collection system.

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

**Lateral, Street** - The sewer extension from the public sewer to the property line or easement line.

**Municipal WWTP or Tompkins WWTP** - The owned wastewater treatment plant that, with its sewage collection system, comprises a part of the Town Wastewater Collection and Treatment Facilities. For purposes of this Law, all references to discharges to the Tompkins WWTP or the Municipal WWTP shall include discharges to the WWTP's sewage collection system except where specifically stated otherwise.

**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 (NPDES) 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 Waters.

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

**New Source** - Any source, the construction of which is commenced after the publication of the 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 Municipal WWTP Sewer System who commences discharge after the effective date of this Law.

**New York City Department of Environmental Protection (NYCDEP)** - An agency of the City of New York that is involved principally with water supply and

environmental protection activities, including watershed protection activities, in both New York City proper and the City's East and West of Hudson Watershed areas.

**NYC Rules and Regulations-** Rules and Regulations For the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, 10 NYCRR Part 128, 18 RCNY Chapter 18, as the same may be amended from time to time.

**Nuisance** - The use or lack of use of the Municipal WWTP Sewer System in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the wastewater treatment and sewage collection system.

**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 Municipal WWTP Sewer System, purchased prior to the effective date of this Law, or who inherited the property at any time and 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 Municipal WWTP Sewer System into waters of the State in quantities, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the Municipal WWTP Sewer System's SPDES permit(s) (including an increase in the magnitude or duration of a violation).

**Permit** - A temporary revocable written document allowing use of Municipal WWTP Sewer System 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.

**(POTW) Publicly Owned Treatment Works** - A treatment works, as defined by Section 212 of the Act; (33 U.S.C 1292). 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.

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

**Pretreatment (Treatment)** - 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 wastewater treatment and sewage collection system. 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.

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

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

**Properly 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 (½) inch in any dimension.

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

**Records** - Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

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

**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.

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

**Service Area of the POTW** - The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of Town Board, subject to applicable law.

**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 Collection System** - All facilities used for collecting, regulating, pumping, and transporting sewage to a wastewater treatment plant.

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the non-commercial (restaurants and institutions serving food on premises are not considered commercial for purposes of this definition) 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. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary)

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

- (1) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (2) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (3) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.
- (4) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (5) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (6) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (7) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less
- (8) Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less.

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern in significant concentrations, 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, Unusual Strength or Character** - Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern in significant concentrations which could result in an exceedance of one or more of the objectives set forth in Section 103(1) hereof.

**Sewer** - A pipe or conduit used for carrying or transporting sewage to a wastewater treatment plant.

**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 to its use.

**Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwater 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 or Sewer Collection System** - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

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

**Significant Non-Compliance (SNC)** - A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Inspector, after consultation with Appropriate Agencies, determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Inspector's exercise of its emergency authority under Article 9 (Enforcement and Penalties) of this Law;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

- (7) Failure to report accurately any non-compliance;
- (8) Any intentional discharge of stormwater or groundwater into house laterals or directly into sewer mains; and
- (9) Any other violation which the Inspector, after consultation with Appropriate Agencies determines will adversely affect the implementation or operation of the local pretreatment program.

**Slug** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference.

**Standard Industrial Classification (SIC)** - 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, or any other procedure approved by the Town Board).

**State** - State of New York.

**State Pollution Discharge Elimination System (SPDES) Permit** - Permit issued by the New York State Department of Environmental Conservation regulating the discharge of pollutants from new or existing outlets or point sources into the waters of the State.

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

**Storm Water** - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to people or the environment including the Parameters of Concern listing in Appendix B.

**Sump Pump** - A machine used for removing standing water from one location and disposing it elsewhere.



**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.

**Ten States Standards (10 States Standards)** - Latest edition of Recommended Standards for Wastewater Facilities by the Great Lakes-Upper Mississippi Board of State and Provincial Health and Environmental Managers.

**Total Kjeldahl Nitrogen (TKN)** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

**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.

**Town** - The Town of Tompkins, an incorporated municipality of the State of New York.

**Toxic Substances** - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to the POTW operation and maintenance personnel, tend 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.

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

**User, Categorical Industrial (CIU)** - an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

**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 wastewater.

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

**User, Significant Industrial (SIU)** - An industrial user of the POTW who is:

(1) A CIU; or

(2) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW; or

(3) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that contributes a process wastestream which makes up 5 percent or more average dry weather hydraulic or organic capacity of the POTW; or

(4) Any other industrial user that the Town designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

**Wastewater** - The liquid and water-carried industrial or domestic wastewater 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 that is granted that allows a connection to be made to the sewer collection system.

**Wastewater Treatment and Sewage Collection System** - Wastewater treatment plant and any sewers, laterals, and other appurtenances that transport wastewater to the treatment plant. It does not include the Building Lateral which is owned by the User or property owner.

**Wastewater Treatment Plant (WWTP)** - That portion of a wastewater treatment and sewage collection system or POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment..

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

**Watershed (New York City Watershed)** - The drainage basins of the Catskill and Delaware and Croton Systems. Maps of the Watershed are located at various offices within New York City Department of Environmental Protection.

**Waters of the State (State's Waters)** - 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	-	Environmental Protection Agency
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NCPI	-	National Clay Pipe Institute
NPDES	-	National Pollutant Discharge Elimination System
NYCDEP	-	New York City Department of Environmental Protection
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
PPM	-	Parts per Million, weight basis
SIC	-	Standard Industrial Classification
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.
TSS	-	Total Suspended Solids
U.S.C.	-	United State Code of Laws
USEPA	-	United State Environmental Protection Agency
WWTP	-	Wastewater Treatment Plant

## **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**

### **WHEN USE OF PUBLIC SEWERS REQUIRED**

Section 301	Connecting Private Sewage System to Storm Drain Unlawful
Section 302	Stormwater Discharge Into Sewer System Prohibited
Section 303	Discharge of Sewage into Well Prohibited
Section 304	Wastewater Discharge Unlawful
Section 305A	Building Permit Allowed Only When Approved Wastewater Disposal Available
Section 305B	Private Wastewater Disposal Unlawful
Section 306	Connection to Public Sewer Required
Section 307	Direct Connection to New Public Sewers Required
Section 308	Limitation on Use of Public Sewers
Section 309	Wastewater From Outside the Municipal WWTP Sewer System Service area and Intermunicipal Agreements
Section 310	Moratorium

#### **Section 301 - Connecting Private Sewage System to Storm Drain Unlawful**

No person shall connect a private sewage system so that sewage flows into a storm drain intended exclusively for storm water. The direct connection of any household or commercial stormwater and/or groundwater conveyance system to a municipal stormwater catch basin is prohibited unless the property owner obtains written approval from the municipality that owns the stormwater collection system.

#### **Section 302 - Stormwater Discharge Into Sewer System Prohibited**

It shall be unlawful to discharge any stormwater (including from within or outside of a private residence or other structures) into the Municipal WWTP Sewer System.

#### **Section 303 - Discharge of Sewage into Well Prohibited**

No person shall discharge sewage into a well unless such discharge is authorized and permitted under State or federal law.

#### **Section 304 - Wastewater Discharge Unlawful**

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

**Section 305 A - Building Permit Allowed Only When Approved Wastewater Disposal Available**

No property owner, builder, or developer shall be issued a building permit for a new, modified, or expansion of existing 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 or other approved system for wastewater treatment. Each new connection to the sewage collection system or expanded discharge is subject to the requirements of Article 13 herein.

**Section 305 B - Private Wastewater Disposal Unlawful**

Connection to the sanitary sewers for new construction to be located within the Service Area of the POTW will be required unless exempted and/or otherwise agreed to by the Town Board.

**Section 306 - Connection to Public Sewer Required**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Service Area of the POTW, and which has access to a public sewer, is hereby required to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Law, within the time period specified by the Board after official notice to do so, except as otherwise provided in accordance with Section 305B or 307 hereof. Any new or existing building within 100 feet of any accessible sewer main will be required to connect to the system. The Town Board will notify the owners of record of all facilities required to connect to the system of their obligation to connect and the schedule for such connection.

**Section 307 - Direct Connection to New Public Sewers Required**

Unless an exemption is granted by the Town Board, at such time that a public sewer becomes available to a property and within the time period specified by the Board, a direct connection shall be made to the public sewer, in compliance with this Law, and any cesspool, septic tank (unless incorporated into the Building Lateral for the new connection), and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed of. At or about the time that a person connects to a public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate.

**Section 308 - Limitation on Use of Public Sewers**

The use of public sewers shall be strictly limited and restricted, except as provided in Section 307 above and Section 309 below, 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 or such other locations as approved by the Town Board.

**Section 309 - Wastewater from Outside the Municipal WWTP Sewer System Service Area and Inter-municipal Agreements**

The Town Board 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. Subject to applicable law, the Town Board shall, in its sole and absolute discretion, after consultation with the Town engineer or consulting engineer, determine the requirements for any proposed out-of-district connection user, including requirements for pretreatment of waste.

**Section 310 - Moratorium**

If the Town Board determines that:

- (1) one or more segments of the Municipal WWTP Sewer System or treatment plant is exceeding its hydraulic capacity at any time;
- (2) any specific purpose of this Law is being violated; and/or
- (3) there are capacity concerns at the sewage treatment plant.

the Town Board shall have the authority to limit or deny new connections to the Municipal WWTP Sewer System or treatment plant until the conditions leading to the moratorium are corrected. Such correction may be, but are not limited to:

- (1) construction of new facilities;
- (2) enlarging existing facilities;
- (3) correction of inflow and infiltration; and
- (4) cleaning and repairing of existing facilities.

## **ARTICLE 4**

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

Section 401 Proper Design

Section 402 A New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

Section 402 B Plans, Specification, and Pipe Test Results Required

Section 403 A Sewer Pipe

Section 403 B Safety and Load Factors

Section 403 C Sewer Pipe Installation

#### **Section 401 - Proper Design**

Before initiating any construction of a sanitary sewer and all extensions to a sanitary sewer, plans and specifications shall be submitted to, and written approval shall be obtained from the Inspector, after consultation and review with Appropriate Agencies. All plans, specification and construction documents shall be prepared and stamped by a licensed professional engineer and/or other licenced professional allowed under law. The design shall anticipate and allow for flows from all possible future extensions or developments. All plans and specifications shall include flow estimates.

Any proposed sanitary sewers and all extensions to sanitary sewers shall be subject to both the adequacy of downstream sewers to transmit wastewater flows without interruption to the Municipal WWTP Sewer System and to the Municipal WWTP Sewer System's capacity to accept additional wastewater flows.

To the extent that an existing sewage collection system seeks to connect to the sanitary sewer, the Inspector shall obtain and require such information as necessary to determine the plans and specifications for the existing sewage collection system and the potential for infiltration and/or inflow. In addition, the Inspector may require that the sewage discharge be metered for flow, if, in the opinion of the Inspector, a sewage flow meter is necessary to monitor inflow, infiltration, excessive flow and/or abnormal sewage.

#### **Section 402 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 Inspector. Except where otherwise required by law, the property owner, builder, or developer shall pay for the entire installation, including, where appropriate, a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Town expenses incidental thereto (including engineering and oversight costs). Each street lateral shall be installed and inspected pursuant to Article 5 herein, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 403 herein, and in conformance

with ASTM Specifications D-3034 and D-2321-83 unless otherwise approved by the Inspector. The installation of the sewer shall be subject to periodic inspection by the Inspector, without prior notice. The Inspector, 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, in the discretion of the Inspector, must pass the infiltration test (or the exfiltration test, with prior approval), specified in Appendix A, Section 4, before any building lateral is connected thereto. The Inspector 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 Town Board until such construction inspections have been made so as to assure the Town Board of compliance with this Law and any amendments or additions thereto. The Inspector 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 Inspector shall report all findings of inspections and tests to the Town Board.

#### **Section 402 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 a manner acceptable to the Inspector, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Appendix A, Section 11. When requested the applicant shall submit to the Inspector 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. Any and all costs incurred by the Town to review, inspect, process and administer a new connection is chargeable to the property owner, building and/or developer.

#### **Section 403 A - Sewer Pipe**

(1) Sewer pipe material shall be:

(a) 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.

(b) Polyvinyl Chloride (PVC) Pipe - ASTM SDR-35 or SDR-26 (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	D3034	(4" - 15")
ASTM	F 679 TYPE I	(18" - 27")

(c) 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.

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

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

(e) Other pipe materials

Other pipe materials require prior written approval of the Inspector before being installed, subject to the review under Section 403C.

(2) The minimum internal pipe diameter shall be eight (8) inches for gravity sewers and three (3) inches for low pressure sewers unless otherwise approved by the Inspector.

(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 Appendix A are met.

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

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

(7) The Inspector, may approve different plans, subject to the review under Section 403C.

### **Section 403 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.

PVC pipe shall not be encased in concrete due to their different coefficients of linear thermal expansion.

### **Section 403 C - Sewer Pipe Installation**

Engineering plans for all sewer and sewer extensions shall be submitted to the Town Board for review and approval. The plans will be reviewed by an independent Professional Engineer for consistency with the 10 State Standards and good engineering judgment. If the plans are designed and installed in compliance with the 10 State Standards (or applicable successor), the Professional Engineer shall approve said plans indicating such compliance. The cost of the review will be charged to the applicant. The installation procedures, design standards and test methods referenced in Appendix A hereto are to be used unless otherwise approved by the Town Board.

### **Section 403 D - Septic Tanks**

Engineering plans for all septic tanks shall be submitted to the Town Board for review and approval. The plans will be reviewed by an independent Professional Engineer for consistency with any local, State, and New York City requirements. If the plans are designed in compliance with requirements, the Professional Engineer shall approve said plans indicating such compliance. The cost of the review will be charged to the applicant.

In addition to any local, State, and New York City requirements, septic tanks shall be designed and installed in compliance with the following requirements:

- (1) Septic tank shall be dual compartment precast reinforced concrete construction.
- (2) Wall thickness shall be a minimum of six (6) inches.
- (3) Septic tank and concrete risers shall have an H-20 traffic loading.
- (4) Each compartment shall have cast iron standard or watertight non-venting manhole frame and cover with non penetrating pick holes.

- (5) Cleanout shall be provided on the lateral pipe five (5) feet from the connection to the septic tank.
- (6) An effluent filter with 1/16" screening shall be installed in the septic tank, with access to the filter provided from the second compartment manhole cover.
- (7) Additional cleanouts on the lateral pipe from the building to the septic tank shall be provided as necessary such that the maximum distance between cleanouts is 70 feet.
- (8) Tracer wire shall be installed to lateral upstream and downstream of septic tank and be accessible at both locations.
- (9) Septic tanks shall have the following minimum capacities:

<u>Number of Bedrooms</u>	<u>Minimum Tank Capacity (Gallons)</u>
1, 2, or 3	1,250
4	1,500
5	1,750
6	2,000

**ARTICLE 5**  
**BUILDING LATERALS, STREET LATERALS**  
**CONNECTIONS and FEES**

Section 501 A	Permit Required for Sewer Connections
Section 501 B	Inflow/Infiltration Prohibited
Section 502	Sewer Lateral Permits
Section 503 A	New Building Laterals
Section 503 B	Dry Sewers
Section 504	Using Existing Building Laterals
Section 505	Lateral Pipe Materials
Section 506 A	Street Lateral to Public Sewer Connection
Section 506 B	Future Connection Locations; As-Built Drawings
Section 506 C	Special Manhole Requirements
Section 507	Laterals At and Near Buildings
Section 508	Sewage Lifting
Section 509	Lateral Pipe Installation
Section 510 A	Watertight Joints
Section 510 B	Ductile Iron Mechanical Joints
Section 510 C	Cast Iron Push Joints
Section 510 D	PVC Push Joints
Section 511 A	Building Lateral/Street Lateral Connection
Section 511 B	Cleanout Repair/Replacement
Section 511 C	Street Lateral Replacement; Ownership
Section 512	Testing
Section 513 A	Connection Inspection
Section 513 B	Trench Inspections
Section 514	Public Safety Provisions Required; Restoration of Disturbed Areas
Section 515	Interior Clean-Out
Section 516	Costs Borne by Owner
Section 517	Capping Connections Where Structures Are Demolished or Destroyed
Section 518	Access to Septic Tanks
Section 519	Inspection of Existing Septic Tanks
Section 520	Operation and Maintenance of Septic Tanks
Section 521	Repair and/or Replacement of Septic Tanks
Section 522	Liability of Property Owner
Section 523	Liability of District

**Section 501 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 Inspector.

### **Section 501 B - Inflow/Infiltration Prohibited**

No person shall discharge or cause to be discharged any stormwater, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

### **Section 502 - Sewer Lateral Permits**

There shall be two classes of 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 Inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Inspector. A fee by resolution, for residential, commercial, institutional and industrial users, as established by the Town Board, shall accompany the application.

Connections to existing manholes shall be made as directed by the Inspector.

### **Section 503 A - New Building Laterals**

Unless otherwise approved by the Town Board, a separate and independent building lateral shall be provided for every building requiring sanitary facilities.

New street laterals and/or building laterals shall not go under building basements or any enclosed structure. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Inspector has approved plans showing the relocation.

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

### **Section 503 B - Dry Sewers**

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

### **Section 504 - Using Existing Building Laterals**

Existing building laterals may be used in connection with new buildings only when they are approved by the Inspector.

## **Section 505 - 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-3034.

Unless otherwise approved by the Town Board, any part of the building or street lateral that is located within five (5) feet of a water main shall be constructed of cast iron soil pipe. If installed on fill or unstable ground, the building or street lateral shall be uniformly supported on a poured concrete cradle approved by the Inspector. Pipe should be centered over water mains with a minimum separation distance of 18 inches. 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 Inspector. The size and slope of building and street laterals shall be subject to approval by the Inspector, but in general, the pipe slope should be no less than 1/8 inch per foot unless approved by the Inspector.

## **Section 506 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.

The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.

## **Section 506 B - Future Connection Locations: As-Built Drawings**

The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer, for each proposed lot, as necessary, upon approval of the proposed development. Laterals installed for future development shall be fitted with a standard plug approved for use by the Inspector. 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 4 inch pressure treated board and a two (2) foot

long, ½ inch diameter steel reinforcing rod. 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 with a minimum of three (3) tie lines indicated. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Inspector. A refundable deposit shall be placed with the Town to assure receipt of these as-builts. 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 lateral shall be accepted by the Town until four (4) copies of this record drawing have been so filed with the Inspector and the Inspector has approved the submitted drawings. The Town reserves the right to require that the property owner and/or its contractor, as part of its final submission, provide the Town with sufficient data for the input of the sewer lateral location in a GIS system maintained by the Town.

#### **Section 506 C - Special Manhole Requirements**

When any street lateral is to serve a school, hospital, public housing or similar institution, which, in the opinion of the Inspector, 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, unless otherwise approved by the Inspector. The Inspector, shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Inspector. If required, a new manhole shall be installed in the public sewer, and the lateral connection made thereto as directed by the Inspector.

#### **Section 507 - Laterals At and Near Buildings**

Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor unless otherwise approved by the Inspector. In no event shall any building lateral be placed below the basement floor, or lower than twelve inches above the basement floor, except with the expressed written approval of the Inspector.

The building lateral shall be laid at uniform grade and in straight alignment insofar as possible in accordance with the requirements of Section 505. Changes in direction shall be made only with properly curved pipe and fittings. At the option of the homeowner, and with the approval of the Inspector, cleanout may be terminated just below grade, but contractor and homeowner must provide three measured as-built ties on a sketch to the Inspector. Changes of direction of 90 degrees or greater shall be made with a wye fitting and cleanout which extends to grade, terminating in a terminal box set in concrete, unless otherwise approved by the Inspector. In building laterals prior to the septic tanks, said cleanouts shall be provided such that the maximum distance between cleanouts is 100 feet. 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. The Inspector shall have the authority to waive or to modify these requirements, where he/she has determined such waiver or modification to be appropriate.

### **Section 508 - 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 Inspector. Any such sewage lifting or low pressure house/building lateral shall not be connected directly to a gravity main sewer but shall be made to a manhole, unless the low pressure lateral connection to the Street Lateral receives no other gravity sewer connections. The Inspector shall have the authority to waive or to modify these requirements, where he/she has determined such waiver or modification to be appropriate.

### **Section 509 - 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 Inspector. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with ASTM Specification D-2321-83, except that (1) trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and (2) 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, preferably four (4) feet, but in no case shall such depth be less than two (2) feet. Where it is physically impossible to provide cover of two (2) feet, the pipe shall be insulated with rigid installation board as approved by the Inspector. The Inspector shall have the authority to waive or to modify these requirements, where he/she has determined such waiver or modification to be appropriate.

### **Section 510 A - Watertight Joints**

All joints and connections shall be made watertight.

### **Section 510 B - Ductile Iron Mechanical Joints**

Mechanical joints made of ductile iron pipe, or an equivalent type of material, shall be used where separation distance to a water main or water service is at issue, or where existing soil conditions warrant. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and any special pipe coupling tools designed for that purpose. The plain spigot end or cut end shall be inserted full depth into the coupling with the gasket pushed into the collar joint between pipe and coupling and the retainer gland securing the gasket in place. The lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically effect the gasket material.

### **Section 510 C - Cast Iron Push Joints**

Pre-molded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the Inspector. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and 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 special 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 510 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.

#### **Section 511 A - Building Lateral/Street Lateral Connection**

(1) The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under Section 402, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line or easement line, by a plumber or pipe layer, at the property owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line or easement line unless otherwise approved by the Inspector. 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 or easement shall be at the property owner's expense; all subsequent costs and expenses incidental to the installation and connection of the building lateral shall also be borne by the property owner. The property owner shall pay for the cost of constructing the lateral from the sewer system up to and including the house connection. Within the easement or Town right-of-way, only the Town will make connections and/or disturbances effecting sewer mains at the property owner's expense plus 10 percent to cover administrative costs.

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

(4) Except those laterals maintained by the Town pursuant to an enforceable contract, it shall be the responsibility of the property owner, as owner of the lateral, to maintain, repair, or replace any 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 Inspector. After installation of the street lateral has been approved by the Inspector, the new street lateral shall become the property of the Town. Any subsequent repairs to the new street laterals shall be made by the Town at the Town's expense.

### **Section 511 B - Cleanout Repair/Replacement**

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

### **Section 511 C - Street Lateral Replacement; Ownership**

Any existing street lateral that is connected to the Municipal WWTP Sewer System which, upon examination by the Inspector, 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 plumber where applicable. The cost of constructing the replacement street lateral and clean-out shall be at the Town's expense. Any repairs to new street laterals shall be made by the Town at the Town's expense.

### **Section 512 - Testing**

Laterals shall be tested for infiltration/exfiltration by:

- (1) any full pipe method, or
- (2) by a suitable method, with the prior written approval of the Inspector.

### **Section 513 A - Connection Inspection**

The applicant for the building lateral permit shall notify the Inspector when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the Inspector.

### **Section 513 B - Trench Inspections**

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

### **Section 514 - 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 Inspector. When installation requires disturbance of paved public roads and shoulders, temporary restoration shall include compacted backfilling to road grade. Shortly thereafter the applicant shall

perform permanent restoration of pavement, base, subbase and shoulders and/or curbs in accordance with the standards of the road owner, pursuant to permits obtained by the applicant from the road owner.

#### **Section 515 - 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 cleanout diameter shall be no less than the building lateral diameter.

#### **Section 516 - Costs Borne by Owner**

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Town. The property owner shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation of the building lateral and initial construction of street laterals, and connections and appurtenances.

#### **Section 517 - Capping Connections Where Structures Are Demolished or Destroyed**

It shall be the responsibility of the property owner to cap the service connection of any structure either demolished or destroyed by fire or "act of God" unless the landowner can verify that he/she has plans to construct another structure with plumbing within six (6) months of the demolition. Such capping must be completed within 60 days of the demolition of any structure. The capping should be done as close to the sewer main as possible, preferably within 20 feet. Notice of intent to cap a service connection shall be provided by the property owner (or its representative) to the Inspector at least five (5) business days prior to its commencement and shall be subject to inspection by the Inspector. Costs for capping shall be borne by the property owner unless specified otherwise in any other agreement(s). Failure to comply with this requirement shall constitute a violation of this Law and shall be subject to appropriate enforcement actions.

#### **Section 518 - Access to Septic Tanks**

The Inspector (or an agent of the District authorized by the Inspector), bearing proper credentials and identification, shall be permitted to enter all private premises with a Septic Tank located within the District for the purpose of inspection, observation, measurement, sampling, repair, replacement and maintenance of the septic Tank on the premises. To the extent that an Owner does not provide access pursuant to this Section 518, the Owner shall not be provided septic tank maintenance services and the District shall have no responsibility for replacing, maintaining and repairing said septic tank. To the extent practical, the inspector (or its agents) shall provide the property owner with reasonable advance notice prior to entering or inspecting the property. [NOTE for purposes of this section, the term Septic Tank includes the Building Lateral.]

### **Section 519 - Inspection of Existing Septic Tanks**

On a periodic basis established by the Town Board, the Inspector (or its authorized agent) may inspect the Septic Tanks within the District to determine the status of each Septic Tank. The following categories shall represent each Septic Tank:

- (1) In failure;
- (2) Not in failure, requires monitoring; and
- (3) Functioning Tank.

The District shall develop a plan, schedule and design for those Septic Tanks that need to be repaired and/or replaced. Except for New User and/or expansion of Existing Septic Tank or except as otherwise provided for herein, the cost of repairing and/or replacing any Septic Tank shall be paid by the District as part of operation and maintenance provided such costs meet the definition of O&M Costs under the O&M Agreement. To the extent such costs are not eligible O&M Costs under the O&M Agreement, the property owner shall bear such costs.

### **Section 520 - Operation and Maintenance of Septic Tanks**

Except as otherwise provided for herein, the District shall be responsible for the operation and maintenance of the Septic Tank installed by the District (ending at the septic tank) and located within the District. The District, with its consultant's assistance, will develop a maintenance schedule for the Septic Tank. The maintenance schedule shall provide for each conventional septic tank to be inspected on a regular basis and each septic tank to be pumped out on a regular basis as deemed prudent and necessary by the Town Board. To the extent such costs are not eligible O&M Costs under the O&M Agreement, the property owner shall bear such costs.

### **Section 521 - Repair and/or Replacement of Septic Tanks**

The District is not responsible for any damage and/or maintenance to the Building Lateral commencing out of the septic tank and extending to the internal plumbing. The District is not responsible for the repair and/or replacement of a Septic Tank if the repair and/or replacement was caused, in substantial part, by the failure of the property owner (or occupant) to comply with the terms and conditions of the Sewer Use Law and/or the intentional malfeasance of the Owner and/or its agent (including tenants and invitees). In the event that the Inspector determines that the property owner (or occupant) is responsible for the cost of repairing or replacing the Septic Tank, the property owner (or agent) may contest the Inspector's determination by submitting a petition to the Town Board within thirty (30) days of receipt of the Inspector's determination. The Town Board, in its discretion, may conduct a public hearing prior to making a determination. In all cases, the property owner (or occupant) shall have the right to appear at the Town Board meeting and/or hearing (if held) to present his/her case. The repair charge shall be due from the property owner (or occupant) within thirty (30) days from the mailing of the invoice and, if appealed to the Town

Board, thirty (30) days from the Town Board's determination, whichever is later. The repair charge is subject to the same payment procedure as the sewer rent.

#### **Section 522 - Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations, the Inspector (or his/her agents) shall observe all applicable and reasonable safety rules established by the owner of the premises. The owner shall be held harmless for personal injury or death of the Inspector (or his/her agents) and the loss of or damage to the District's or agent's supplies and/or equipment; and the District shall indemnify the owner against such loss or damage except as such may be caused by negligence or failure of the owner or its agents (including tenants and invitees) to maintain safe conditions and/or intentional malfeasance of the owner and/or its agent.

#### **Section 523 - Liability of District**

As specified in Section 519, 520 and 521 of this law, the District's responsibility is to maintain, repair and/or, if necessary, replace existing Septic Tanks (ending at the septic tank) within the District. The District's obligation to maintain, repair and replace existing Septic Tanks is contingent upon such costs being deemed eligible Operation and Maintenance Costs included within the O&M Budget and approved as part of the O&M Agreement. As a condition of the District providing sewer maintenance services, under no circumstances will the District be responsible for consequential damages or indirect damages for failure to timely repair, replace or maintain a Septic Tank and/or the improper repair, replacement or maintenance of a Septic Tank. As a condition to the District providing such service to a property owner, the property owner, by providing property access, is deemed to consent to the conditions set forth herein. Under no circumstances is the District responsible for damages (property or bodily) arising from contamination of soils, groundwater, surface water or air (including any remedial costs) arising from its obligations hereunder or its failure to timely implement corrective action hereunder. As a condition to the District providing such service to a property owner, the property owner, by providing property access, is deemed to consent to the conditions set forth herein.

## **ARTICLE 6**

### **INFLOW**

- Section 601 New Inflow Sources Prohibited
- Section 602 Existing Inflow Sources Disconnected
- Section 603 Existing Inflow Sources Disconnected When Property Sold
- Section 604 No Reconnection of Inflow Source Allowed

#### **Section 601 - New Inflow Sources Prohibited**

No connections shall be made to a sanitary sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, swimming pool drains, uncontaminated cooling water discharges, or other sources of inflow.

#### **Section 602 - Existing Inflow Sources Disconnected**

Any connections which contribute inflow to the sanitary sewers must be disconnected by the property owner in a fashion approved by the Inspector within 30 days of notification.

#### **Section 603 - Existing Inflow Sources Disconnected When Property Sold**

Upon direction from the Town Board, the Tax Assessor shall notify the Inspector of property sales. Within 30 days of receiving notice, the Inspector shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected. Any violations noted during inspection shall be corrected within 30 days.

#### **Section 604 - No Reconnection 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.

## ARTICLE 7

### DISCHARGE RESTRICTIONS

Section 701	Pretreatment Standards
Section 702	General Prohibitions
Section 703	Concentration Based Limitations
Section 704	Mass Discharge Based Limitations
Section 705	Modification of Limitations
Section 706	Access to User's Records
Section 707	Dilution
Section 708	Grease, Oil, and Sand Interceptors
Section 709	Solid Waste Grinders
Section 710	Rejection of Wastewater

#### **Section 701 - Pretreatment Standards**

All Users of the Municipal WWTP Sewer System will comply with all standards and requirements of the Clean Water Act ("the Act") and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 403 - 471.<sup>1</sup>

#### **Section 702 - General Prohibitions**

No User shall contribute or cause to contribute, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Municipal WWTP Sewer System. These general prohibitions apply to all such Users of the Municipal WWTP Sewer System 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 Municipal WWTP Sewer System:

(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 Municipal WWTP Sewer System, or to the operation of the Municipal WWTP Sewer System. At no time shall both of 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 Town has determined to be a fire hazard, or hazard to the Municipal WWTP Sewer System.

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<sup>1</sup> In certain cases, industrial wastewater effluent limitations, pretreatment processes, and treatment design may be subject to review by NYSDEC.

(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 or stone grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the Municipal WWTP Sewer System was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or Municipal WWTP Sewer System 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 Municipal WWTP Sewer System, 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 fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.

(7) Any wastewater 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 Municipal WWTP Sewer System influent temperature to be greater than 40 degrees C (104 degrees F). The Inspector reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are 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 Inspector and in compliance with applicable State, Federal and New York City 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.

(13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.

(14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the Municipal WWTP Sewer System in a quantity that may cause acute worker health and safety problems.

### **Section 703 - Concentration Based Limitations**

No person shall discharge, directly or indirectly, into the Municipal WWTP Sewer System, abnormal sewage or industrial wastewater containing any of the following substances in concentrations exceeding those specified on either a daily or an instantaneous basis by permit as provided for in Article 8. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the Municipal WWTP Sewer System ("end of pipe" concentrations) and may include one or more of the following parameters: Antimony, Arsenic, Barium, Beryllium, Bromine, Cadmium, Chlorides, Chromium (hex), Chromium (tot), Cobalt, Copper, Cyanide (complex), Cyanide (free), Fluorides, Gold, Iodine, Iron, Lead, Manganese, Mercury, Molybdenum, Nickel, Phenols, total Selenium, Silver, Sulfates, Sulfides, Tin, Titanium, Vanadium, Zinc.

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.

The daily average shall be determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day.

The allowable instant daily maximum shall be determined on a grab sample taken from the User's discharge at any time during the daily operational and/or production period.

Other substances which may be limited are:

- alkanes, alkenes and alkynes;
- aliphatic and aromatic alcohols and acids;
- aliphatic and aromatic aldehydes and ketones;
- aliphatic and aromatic esters;
- aliphatic and aromatic halogenated compounds;
- aliphatic and aromatic nitro, cyano and amino compounds;
- antibiotics;
- benzene derivatives;

chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components

in the Municipal WWTP Sewer System, produce toxic, flammable, or explosive compounds;

pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides, phthalates;

polyaromatic and polynuclear hydrocarbons;

total toxic organics, TTO, as defined in 40 CFR 433.11;

toxic organic compounds regulated by Federal Pretreatment Standards;

unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group; and/or

viable pathogenic organisms from industrial processes or hospital procedures.

#### **Section 704 - Mass Discharge Based Limitations**

With respect to any significant industrial user, the Inspector shall determine as part of the permit issued pursuant to Article 8 the total allowable influent load for one or more of the substances listed in Section 703. In determining the total load of each substance that significant industrial users shall be allowed to discharge, the Inspector shall consider: (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater, (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable, (3) historical discharge trends, (4) past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance, (5) potential for growth in the Municipal WWTP Sewer System service area, (6) potential for more restrictive regulatory requirements to be placed on the Municipal WWTP Sewer System discharge or sludge disposal or sludge reuse method, and (7) treatability of the substance. The Inspector may apply a minimum 15 % safety factor to be protective of the Municipal WWTP Sewer System.

#### **Section 705 - Modification of Limitations**

Limitations on wastewater strength contained in any permit may be supplemented with more stringent limitations when, in the opinion of the Inspector.

- (1) The limitations in the permit are not sufficient to protect the Municipal WWTP Sewer System,
- (2) The limitations in the permit are not sufficient to enable the Municipal WWTP Sewer System to comply with applicable water quality standards or the effluent limitations specified in the Municipal WWTP Sewer System's SPDES permit,
- (3) The Municipal WWTP Sewer System sludge will be rendered unacceptable for disposal or reuse as the Town 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 evaluated not less frequently than once every five (5) years. The results of these evaluations shall be reported to the Town 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 706 - Access to User's Records**

The Inspector shall have the authority to copy any record related to wastewater discharges to the Municipal WWTP Sewer System.

#### **Section 707 - 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 708 - Grease, Oil, and Sand Interceptors**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Inspector, 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. Grease Traps shall be required for all food service and restaurant establishments.

All interceptors shall be of a design consistent with any standards established by NYSDEC or NYSDOH and shall be of a type and capacity approved by the Inspector, 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 709 - Solid Waste Grinders**

The use of solid waste grinders (garbage disposals) is prohibited at any residential or non-residential facility that is connected to the Municipal WWTP Sewer System.

#### **Section 710 - Rejection of Wastewater**

The Town Board may reject a User's wastewater, on recommendation of the Inspector, when it has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the Municipal WWTP Sewer System and its processes, or on the receiving water, or which constitute a public nuisance or hazard (see Section 816).

## **ARTICLE 8**

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

Section 801	Wastewater Discharge Reports
Section 802-	Notification to Industrial Users
Section 803 A	Wastewater Discharges
Section 803 B	Wastewater Discharge Permits Required For Significant Industrial Users
Section 803 C	Other Industrial Users
Section 803 D	Discharge Permits to Storm Sewers Not Authorized
Section 804 A	Application for Wastewater Discharge Permits
Section 804 B	Permit Modifications
Section 804 C	Permit Conditions
Section 804 D	Permit Duration
Section 804 E	Permit Reissuance
Section 804 F	Permit Transfer
Section 804 G	Permit Revocation
Section 805	Reporting Requirements for Permittee
Section 806	Flow Equalization
Section 807	Monitoring Stations (Control Manholes)
Section 808	Proper Design and Maintenance of Facilities and Monitoring Stations
Section 809	Vandalism, Tampering with Measuring Devices
Section 810	Sampling and Analysis
Section 811	Accidental Discharges; SPCC Plan
Section 812	Posting Notices
Section 813	Sample Splitting
Section 814	Public Access to Information Maintained by the Inspector
Section 815 A	Access to Property and Records
Section 815 B	Access to Easements
Section 815 C	Liability of Property Owner
Section 816	Special Agreements

#### **Section 801 - 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 Inspector, of any new or existing discharges to the Municipal WWTP Sewer System by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Inspector. The Inspector may require any User discharging wastewater into the Municipal WWTP Sewer System to file wastewater discharge reports and to supplement such reports as the Inspector deems necessary. All information shall be furnished by the User in complete cooperation with the Inspector.

### **Section 802 - Notification to Industrial Users**

The Inspector 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 803 A - Wastewater Discharges**

No Significant Industrial User or Discharges of Abnormal Sewage and Dischargers of Sewage of Unusual Strength or Character shall discharge wastewater to the Municipal WWTP Sewer System without having a valid Wastewater Discharge Permit, issued by the Inspector. Such 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 803 B - Wastewater Discharge Permits Required For Significant Industrial Users**

All Significant Industrial Users or Discharges of Abnormal Sewage and Dischargers of Sewage of Unusual Strength or Character proposing to connect to or to discharge to the Municipal WWTP Sewer System shall obtain a Wastewater Discharge Permit before connecting to or discharging to the Municipal WWTP Sewer System.

### **Section 803 C - Other Industrial Users**

The Inspector may require and issue Wastewater Discharge Permits to other Industrial Users of the Municipal WWTP Sewer System.

### **Section 803 D - Discharge Permits to Storm Sewers Not Authorized**

There shall be no discharge of any wastewater to a storm sewer without an appropriate SPDES permit.

### **Section 804 A - Application for Wastewater Discharge Permits**

Users required pursuant to Section 803 to obtain a Wastewater Discharge Permit shall complete and file with the Inspector an application in the form prescribed by the Town. The application shall be accompanied by a fee, as determined by the Town Board by resolution to address the administrative costs of processing the application. In support of any application, and as deemed necessary by the Inspector, the 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 7 of this 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 Municipal WWTP Sewer System.
- (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 Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet all applicable Standards.
- (12) If additional pretreatment and/or O&M will be required to meet the Standards, then the industrial User shall provide the shortest schedule to accomplish such additional treatment and/or O&M. 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 Inspector 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 .

(13) Any other information as may be deemed by the Inspector, to be necessary to evaluate the permit application.

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

#### **Section 804 B - Permit Modifications**

Wastewater Discharge Permits may be modified by the Inspector 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 Article 7 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 Municipal WWTP Sewer System,
- (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 Municipal WWTP Sewer System 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 804 A (12)(a).

#### **Section 804 C - Permit Conditions**

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

- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
- (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 Municipal WWTP Sewer System.

- (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 Town and affording the access thereto.
- (9) Requirements for notification of the Town 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 Municipal WWTP Sewer System.
- (10) Requirements for the notification of the Town of any change in the manufacturing and/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 Town to ensure compliance with this Law, State and Federal laws, rules, and regulations, and for discharges to sewers and WWTPs in the watershed, the NYC Rules and Regulations.

#### **Section 804 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 804 E - Permit Reissuance**

The User shall apply for permit reissuance a minimum of 90 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 Inspector during the term of the permit, as limitations or requirements, as identified in Section 804 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 established in Section 804 A (12)(a).

#### **Section 804 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 with the approval of the Town Board, which will not be unreasonably withheld.



### **Section 804 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 Inspector 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 805 - Reporting Requirements for Permittee**

The reports or documents required to be submitted or maintained under this section shall be subject to:

- (1) The provisions of 18 USC Section 1001 relating to fraud and false statements;
- (2) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (3) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.

#### **(a) 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 Inspector the information required by paragraphs (8) and (9) of Section 804 A.

#### **(b) 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 Municipal WWTP Sewer System, any User subject to Pretreatment Standards and Requirements shall submit, to the Inspector 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.

#### **(c) Periodic Compliance Reports**

- i. 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 Municipal WWTP Sewer System, shall submit to the Inspector, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the

Inspector, 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 804A. At the discretion of the Inspector, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Inspector 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.

ii. The Inspector, after consultation with Appropriate Agencies 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 805 (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 Inspector 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.

(d) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Inspector within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Inspector within 30 days after becoming aware of the violation. The User is not required to re-sample if the Municipal WWTP Sewer System performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the Municipal WWTP Sewer System performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(e) Other reports

The Inspector, may impose reporting requirements equivalent to the requirements imposed by Section 805(3) for users not subject to pretreatment standards.

**Section 806 - Flow Equalization**

No person shall cause the discharge of slugs to the Municipal WWTP Sewer System. Each person discharging, into the Municipal WWTP Sewer System, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the Municipal WWTP Sewer System, whichever is less unless otherwise waived by the Town Board, 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 Inspector. A wastewater discharge permit may be issued solely for flow equalization.

#### **Section 807 - Monitoring Stations (Control Manholes)**

- (1) 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.
- (2) If there is more than one street lateral serving an Industrial User, the Inspector may require the installation of a control manhole on each lateral.
- (3) The Inspector, after consultation with Appropriate Agencies 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 provide for and allow immediate access, without prior notice, to the station by the Inspector, or his designated representative.

#### **Section 808 - 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 Inspector, may approve or disapprove the adequacy of such facilities. Where the Inspector, after consultation with Appropriate Agencies 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 Inspector. Construction of new or upgraded facilities shall not commence until written approval of the Inspector has been obtained.

#### **Section 809 - Vandalism, Tampering with Measuring Devices**

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

- (1) any structure, appurtenance, or equipment which is a part of the Municipal WWTP Sewer System, or
- (2) any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the Inspector.

### **Section 810 - Sampling and Analysis**

Sampling shall be performed so that a representative portion of the wastewater is obtained for 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 analyses. Such samples shall be taken at the approved monitoring stations described in Section 807, 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 flow proportioned (where feasible) 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 811 - Accidental Discharges; SPCC Plan**

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the Inspector 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 Inspector to initiate appropriate countermeasure action at the Municipal WWTP Sewer System. The user shall prepare a detailed written statement following any accidental or slug discharge, 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 Inspector 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.

When required by the Inspector, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Inspector for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Municipal WWTP Sewer System of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas,

handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

#### **Section 812 - Posting Notices**

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

#### **Section 813 - Sample Splitting**

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Town 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 including any Quality Control (QC) procedures. One of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the Town for its own analysis.

#### **Section 814 - Public Access to Information Maintained by the Inspector**

When requested, the Inspector 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 Inspector, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user.

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 agrees to hold the information confidential, in accordance with State or Federal laws, rules and regulations. The Inspector shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

#### **Section 815 A - Access to Property and Records**

The Inspector and other authorized representatives of the Town, representatives of EPA, NYSDEC, NYSDOH, or the County, and bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at 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 Municipal WWTP Sewer System, 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 815 B - Access to Easements**

The Inspector, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Town 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 815 C - Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 815 A and 815 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 816 - Special Agreements**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Town, and any User of the Municipal WWTP Sewer System whereby wastewater of unusual strength or character is accepted into the Municipal WWTP Sewer System and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Town 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 herein; and
- (5) prevent the equitable compensation to the Town 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.

No agreement shall be entered into without the User having been issued and presently having a permit to discharge wastes into the Municipal WWTP Sewer System for treatment and disposal. Additionally the User shall be in compliance with all conditions in the permit and shall not be in

arrears in any charges due to the Town before the agreement is entered into. The Town Board may condition the agreement.

**ARTICLE 9**  
**ENFORCEMENT AND PENALTIES**

Section 901    Enforcement Response Plan

**ADMINISTRATIVE REMEDIES**

- Section 902    Notification of Violation
- Section 903    Consent Orders
- Section 904    Administrative or Compliance Orders
- Section 905    Administrative Fines
- Section 906    Cease and Desist Orders
- Section 907    Termination of Permit
- Section 908    Show Cause Hearing
- Section 909    Failure of User to Petition the Inspector
- Section 910    Notice
- Section 911    Right to Choose Multiple Remedies

**JUDICIAL REMEDIES**

- Section 912    Civil Actions for Penalties
- Section 913    Court Orders
- Section 914    Criminal Penalties
- Section 915    Injunctive Relief
- Section 916    Summary Abatement

**MISCELLANEOUS**

- Section 917    Delinquent Fines, Penalties and Service Charges
- Section 918    Performance Bonds
- Section 919    Liability Insurance

**Section 901 - Enforcement Response Plan**

The Inspector 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 may be subject to some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (1)    describe how the Inspector will investigate instances of non-compliance
- (2)    describe the types of escalated enforcement actions that the Inspector will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions



- (3) adequately reflect the Town Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- (1) criteria for scheduling periodic inspection and/or sampling visits to POTW Users
- (2) forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence
- (3) systems to track due dates, compliance schedule milestones, and pending enforcement actions
- (4) 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
- effect of the violation on the receiving water
- effect of the violation on the POTW
- effect of the violation on the health and safety of the POTW employees
- compliance history of the User
- good faith of the User

and shall promote consistent and timely use of enforcement remedies.

The Town Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

The Enforcement Response Plan shall provide public notification, in the daily newspaper selected by the Town Board of Users which were in significant non-compliance of local or Federal pretreatment standards since the last such notice. The frequency of such notices shall be at least once per year.

## **ADMINISTRATIVE REMEDIES**

### **Section 902 - Notification of Violation**

Whenever the Inspector, 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 Inspector may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Inspector mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Inspector, by the User. The correction and prevention plan shall include specific actions. Submission of this plan