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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~~ of Bethlehem
Town
~~Village~~
Local Law No. 4 of the year 2009

A local law Replacing Chapter 91, Sewers, Regulating The Use Of Public And Private
Sewers And Drains Within The Delmar-Elsmere Sewer District, Town of
Bethlehem

Be it enacted by the Town Board of the

~~County~~
~~City~~ of Bethlehem as follows:
Town
~~Village~~

Amend and Replace as follows:

Be it enacted by the Town Board of the Town of Bethlehem, County of Albany, State of New York as follows:

ARTICLE I
Purpose and Definitions

§ 91-1. Purpose and Policy.

- A. This chapter shall regulate the use, operation and maintenance of the public sewer systems of and within the sewer districts of the Town of Bethlehem and shall provide authority to the Town for the installation of approved sewer connections wherever a property owner has failed to provide the same.
- B. It shall be the purpose and intent of this chapter to achieve the goals of water quality as are intended pursuant to the Federal Water Pollution Control Act, and the standards and requirements of said Act shall be deemed to be incorporated herein for all matters of administration and enforcement. It shall further be the purpose and intent of this chapter to achieve compliance with the terms of the discharge permit issued or to be issued by the New York State Department of Environmental Conservation, Schenectady, New York, for the

Town of Bethlehem treatment plant at the Hudson River. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Bethlehem to enable the Town to comply with all applicable State and Federal Laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).

C. The further objectives of this chapter are to:

- (1) Prevent the introduction of pollutants into the municipality's wastewater system which would interfere with the operation of the system or contaminate the resulting sludge.
- (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system.
- (3) Prevent the introduction of pollutants into the municipal wastewater system which may jeopardize the health and safety of Town workers and the public.

(4) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users. It authorizes monitoring and enforcement activities and requires industrial user reporting. Disposal into the sewer system of any pollutant by any person is unlawful, except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA) and any more stringent state and local standards.

(5) This chapter shall apply to the Town of Bethlehem and to persons outside the Town of Bethlehem who are, by contract or agreement with the Town of Bethlehem, users of the Town of Bethlehem's publicly owned treatment works (POTW). Except as otherwise provided herein, the Supervisor of the Town of Bethlehem, the Town Board, and the Commissioner of Public Works shall administer, shall implement and shall enforce the provisions of this chapter.

§ 91-2. Definitions and Abbreviations.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

APPROVAL AUTHORITY—The Commissioner of the Department of Environmental Conservation of the State of New York until such time as a Federally approved Industrial Pretreatment Program is required. At such time, upon Federal approval, the Regional Administrator shall become the Approval Authority.

AMERICAN SOCIETY FOR TESTING MATERIALS (herein referred to as "ASTM" or federal specifications referred to in this chapter)—The latest published amendments or revisions applicable at any time.

A.S.T.M. – The latest edition of American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER—May be a principal executive officer of at least the level of vice president if the industrial user is a corporation; a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or a duly authorized representative of the individual designed above, if such representative is responsible for the overall operation of the facilities from which the discharge originates.

B.O.D.(denoting Biochemical Oxygen Demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.

BUILDER - Any person, persons, or corporation who undertake to construct, either under contract or for resale within two years, any habitable building.

BUILDING LATERAL - The piping used to convey the discharge from soil, waste, and other drainage pipes inside the building walls and extending from the public sewer up to the foundation of the structure being served by the sewer system.

COMMERCIAL SERVICE - Any service from business buildings or institutions from which the wastes are not predominantly industrial.

COMMISSIONER - The Commissioner of the Department of Public Works of the Town of Bethlehem or his authorized deputy, agent, or representative.

CONTRACTOR - Any person, firm, or corporation approved by the Commissioner to do work in the Town of Bethlehem.

CONTROL AUTHORITY—Refers to the approval authority, defined hereinabove or the Supervisor or the Commissioner of Public Works or the Superintendent of Water and Sewer of the Town of Bethlehem.

COOLING WATER—The water discharged from any use, such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

CROSS-CONNECTION—Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of the flow depending on the pressure differential between the two systems.

CRUSHER RUN—Crushed limestone material commonly used as base stone for road construction, manhole installation and pipe bedding.

DEVELOPER - Any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

DIRECT DISCHARGE—The discharge of treated or untreated wastewater directly to the waters of the State of New York.

DISTRICT - The Bethlehem Sewer District including Delmar-Elsmere Sewer District and Extensions in the Town of Bethlehem, Albany County, New York.

DISTRICT BOUNDARIES - The physical boundaries as presently established or as may be extended from time to time as duly provided by Town Law.

DOMESTIC WASTE—Liquid wastes from non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing.

ENGINEER - Any Professional Engineer retained as Engineer for the District.

ENVIRONMENTAL PROTECTION AGENCY or EPA—The United States designation for the administrator or other duly authorized official of said agency.

FEDERAL WATER POLLUTION CONTROL ACT (sometimes herein referred to as the “Act”)—The United States Federal Pollution Control Act, as amended in 1972 or thereafter.

FLOWABLE FILL—A mixture of Portland cement, fly ash, mineral filler, water and admixtures proportioned to provide a non-segregating, free-flowing, self-consolidating material that will result in a hardened, dense backfill.

GARBAGE - Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

GRAB SAMPLE—A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE—Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE—The introduction of wastewater into the POTW for treatment (including holding tank waste discharged into the system) and ultimate discharge of the treated effluent to the waters of the State of New York.

INDUSTRIAL SERVICE - Any service from which the wastes are predominantly industrial.

INDUSTRIAL USER— A discharger to the POTW whose discharge includes non-domestic wastes.

INDUSTRIAL WASTES - The liquid wastes from industrial processes as distinct from domestic wastes.

INSPECTOR—The Commissioner who is appointed and duly authorized by the Town Board to inspect and approve the installation of building latrals and their connection to the public sewer system or his authorized representative.

INTERFERENCE—The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Town's SPDES permit. The term includes prevention of sewage sludge disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

LARGE SIGNIFICANT INDUSTRIAL USER Any industrial user who has a discharge flow of 100,000 gallons or more per average workday or discharges a loading of any pollutant in quantities greater than 15% of the loading (lb/d) received at the POTW treatment plant based on the most recent headworks analysis completed by, or on behalf, of the Town.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARD—Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 307(b) and (e) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARDS or PROHIBITIVE DISCHARGE STANDARD—Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

"NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW SOURCE—Any source, the construction of which is commenced after the publication of proposed regulations prescribing a 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a “new source” means any source, the construction of which is commenced after the date of promulgation of the standard.

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS). A classification pursuant to North American Industry Classification System, issued by the Office of Management and Budget, 2002.

OWNER - Any individual, firm, company, association, society, person, or group having title to real property.

PERSON - Any individual, firm, company, association, society, corporation, or group.

pH - The logarithm of the reciprocal of the concentration of hydrogen ions in gramionic weights per liter of solution.

POLLUTANT—Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand cellar dirt and industrial, municipal and agricultural waste discharged into water.

POLLUTION—The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT—That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT or 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 POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS—Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PRIVATE SEWER—A sewer privately owned and not directly controlled by public authority.

PROPERLY SHREDDED GARBAGE - The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all articles will be carried freely under the flow conditions normally prevailing in public sewers, with no article greater than 1/2 inch in any dimension.

PROPERTY OWNER—The person or entity that is in title to the property served or to be served by the public sewer.

PROPERTY LINE - The edge of a sewer right-of-way in those instances where the building lateral connects to the public sewer located in a right-of-way. "Property Line" shall also mean the edge of the street right-of-way in those instances where the building lateral connects to a public sewer located off or in the paved portion of the street.

PUBLIC SEWER - A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLIC SEWER – A sewer owned and operated by the Town to which all abutting property owners have equal rights to its use.

PUBLICLY OWNED TREATMENT WORKS (POTW)—A treatment works as defined by 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This definition

includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.

REGIONAL ADMINISTRATOR—The Regional Administrator, Region No. 2, United States Environmental Protection Agency, as empowered by the Federal Water Pollution Control Act or other federal statute.

RESIDENTIAL SERVICE - Any service from which the wastes are of a domestic nature only.

SANITARY SEWER - A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE WORKS - All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER - A pipe or conduit for carrying sewage, subject to the control and direction of the District.

SIGNIFICANT INDUSTRIAL USER—Any industrial user who has a discharge flow between 25,000 gallons and 100,000 gallons per average workday or has a loading of any pollutant between 5% and 15% of the loading (lb/d) received at the POTW treatment plant based on the most recent headworks analysis completed by, or on behalf, of the Town or has in his wastes toxic pollutants as defined pursuant to 307 of the Act or has been identified as one of the industrial categories pursuant to 307 of the Act or is found by the Town to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

SLOPE—The grade or pitch of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEM OR SPDES PERMIT—A permit issued pursuant to 402 of the Act (33 U.S.C. 1342).

STORM SEWER or STORM DRAIN - A sewer used for conveying rainwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage and industrial waste.

SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

TOXIC POLLUTANT—Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other acts.

TOWN - The Town of Bethlehem, Albany County, New York.

TOWN BOARD - The duly elected Town Board of the Town of Bethlehem, or their authorized deputy or representative.

USER—Any person who contributes, causes or permits the contribution of wastewater into the Town's POTW.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

WATER POLLUTION CONTROL PLANT - Any arrangement of devices and structures used for treating sewage.

WASTEWATER—The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with other matter which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER DISCHARGE PERMIT (INDUSTRIAL)—As set forth in chapter VI of this chapter, the permit issued by the Commissioner to an industrial user establishing the conditions and requirements under which the industrial user may discharge to the POTW.

WATER OF THE STATE—All streams, lakes, ponds, marshes, watercourses, 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.

B. Word usage. Words used in the present tense include the future; the singular number includes the plural and the masculine shall include the feminine. "Shall" is mandatory. "May" is permissive.

C. Abbreviations. The following abbreviations shall have the designated meanings:

BOD—Biochemical oxygen demand.

CFR—Code of Federal Regulations.

COD—Chemical oxygen demand.

DPW—Department of Public Works

EPA—Environmental Protection Agency.

l—Liter.

mg—Milligrams.

mg/l—Milligrams per liter.

NAICS – North American Industrial Classification System

NYSDEC—New York State Department of Environmental Conservation.OSHA—

Occupational Safety and Health Administration.

POTW—Publicly owned treatment works.

SPDES—State pollutant discharge elimination system.

SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

USC—United States Code.

TSS—Total suspended solids.

ARTICLE II

Use of Public Sewers Required

§ 91-3. Deposit of waste on public or private property prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other objectionable waste.

§ 91-4. Untreated discharges to natural outlets prohibited.

It shall be unlawful to discharge to any natural outlet, either directly or through any storm drain, within the District, or in any area under the jurisdiction of the District, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. Use of separate storm drains and sanitary sewers is mandatory. Construction of new facilities on streets not presently served by sewers shall be separate storm and sanitary systems. No combined sewers shall be allowed.

§ 91-5. Septic tanks and cesspools restricted.

Within the limits of the established sewer district the use of a privy, privy vault, septic tanks or cesspools is prohibited except by permit issued by the Commissioner upon finding that it would be physically impossible or would place an undue hardship upon the owner or owners of the property in question to establish a connection to a sewer main. If and when such a permit is issued by the Commissioner for a septic tank, the installation of such a septic tank shall be accomplished as prescribed by the Albany County Department of Health and shall continue in use only so long as an established sewer main is not accessible.

§ 91-6. Plumbing facilities and sewer connections required.

The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, commerce, industry, or other purpose, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required at his expense to install suitable plumbing facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this chapter, provided that said public sewer is within one hundred (100) feet of the property line.

§ 91-7. Connection for existing structures.

Connections for existing structures shall be made within one year from date of notice, given by publication in the official newspaper of the Town, of the completion of the sewer system within any sewer district. New buildings shall be so connected before a certificate of occupancy shall be issued. No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available.

§ 91-8. Notice of noncompliance; procedure.

Where it shall appear that no sewer connection has been made by a property owner into the public sewer system as required by this Law or that a connection which does not comply herewith has been made, then the Commissioner, when authorized by a resolution of the Town Board, shall serve notice, in writing, requiring compliance within not less than 30 days. The notice will be sent certified mail return receipt requested to the address shown on the latest completed assessment role. The notice shall state that, upon failure to comply, the Town will enter upon the property owner's property and make the connection, or retain a contractor of its choice to make the connection required under this Law, and which notice shall state that the total cost, together with such penalty and interest as the Town Board may by resolution provide, shall constitute a lien and charge upon the parcel of real property benefited by the connection, which lien and charge will be assessed and levied upon said parcel and, until paid or otherwise satisfied or discharged, shall be collected in the same manner as other Town taxes and charges.

§ 91-9. Connection from public sewer.

The connection to be made shall run from the public sewer to the most convenient point, in the discretion of the Commissioner, where a connection complying with this Law may be made.

§ 91-10. Town liability.

The Town shall not be liable for any damage to the property owner's property, except for failure to use ordinary care.

§ 91-11. Cost of work assessed against property owner:

Penalty and interest charge:

- (1) In addition to the cost of the work, there shall be assessed against the property:
 - (a) A penalty for failure to comply with the Law.
 - (b) An interest charge based upon the Town's cost in financing such work.
- (2) The penalty and interest charges shall be determined and fixed by resolution of the Town Board from time to time.

§ 91-12. Mandatory cleaning and video inspection.

This Law shall provide for the mandatory cleaning and video inspection or inspection by similar electronic means of all new sanitary sewer mains proposed to be connected to an existing Town sanitary sewer main as part of the public sewer. The intention of this Law is to deny sanitary sewer pipe connections to the existing public sewer until the Commissioner or the Town Engineer shall have reviewed and approved the videotape or similar electronic device and determined that the new sanitary sewer main has been correctly constructed.

**ARTICLE III
Private Sewage Disposal**

§ 91-13. Private system required where public sewers are unavailable.

Where a public sanitary sewer is not available under the provisions of Section 91.6, the building lateral shall be connected to a private sewage disposal system complying with the provisions established by the Albany County Department of Health.

§ 91-14. Permit required.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the Albany County Health Department and may be supplemented by any plans,

specifications and other information as are deemed necessary by the Albany County Health Department.

§ 91-15. Inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Albany County Health Department. The applicant shall notify the Albany County Health Department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Albany County Health Department.

§ 91-16. Compliance with state standards.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of New York. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 91-17. Facilities to be maintained in sanitary conditions.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at his own expense and at no expense to the District.

§ 91-18. Abandonment.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 91.6, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and liquid, abandoned and filled with suitable material.

§ 91-19. Construal of provisions.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the Albany County Department of Health or the New York State Department of Health.

ARTICLE IV
Building Laterals, Connections and Fees

§ 91-20. Permit required.

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

§ 91-21. Classes of permits; applications.

There shall be three (3) classes of building lateral permits: (1) for residential, (2) for commercial service, and (3) for service to establishments producing industrial wastes. In any case, the Owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner. The permit and inspection fees shall be as established by the Town Board and be filed with the Town Clerk.

§ 91-22. Building sewers to be separate; exception.

A separate and independent building lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In these cases, the building lateral from the front building may be extended to the rear building if sufficient in size to accept sewage from both properties and the whole considered as one building lateral. In such cases, approval shall be obtained from the Commissioner prior to installation of the building lateral. In situations where the buildings have multiple owners, appropriate legal agreements and easements shall be in place to prevent future conflicts related to maintenance and repair.

§ 91-23. Use of old building sewers.

Old building laterals may be used in connection with new buildings only when they are certified by a qualified individual to the satisfaction of the Commissioner, to meet all requirements of this chapter.

§ 91-24. Building sewers to conform to specifications.

The building lateral shall be constructed and installed in conformance with the specifications and requirements as established by the Commissioner.

§ 91-25. Size and slope.

The size and slope of the building lateral shall be subject to the approval of the Commissioner.

§ 91-26. Elevation and placement.

Whenever possible the building lateral shall be brought to the building at an elevation below the basement floor. Any openings, such as clean out hand holes in traps, in house drains, cellar drains, etc., shall be not lower than the level of the finished basement floor. No building lateral shall be laid parallel to and within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building lateral shall be laid at uniform grade

and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

§ 91-27. Mechanical means of discharge.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved and mechanical means and discharged to the building lateral.

§ 91-28. Excavations.

All excavations required for the installation of a building lateral shall be open trench work unless otherwise approved by the Commissioner. Pipe laying and backfill shall be performed in accordance with specifications of the District as established by the Commissioner and in full accordance with the local building code. No backfill shall be placed until the work has been inspected and approved by the Commissioner.

§ 91-29. Joints and connections.

All joints and connections shall be made gastight and watertight.

§ 91-30. Connection at property line; costs.

The connection of the building lateral into an existing public sewer shall be made at the property line. If a building lateral connection has not previously been provided, the building lateral will be constructed from the existing public sewer to the property line by the Owner, after obtaining the necessary permit. The cost of constructing the building lateral from the public sewer to the property line will be at the Owner's expense. All subsequent costs and expense incidental to the installation, connection and maintenance of the building lateral shall be borne by the Owner. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation and maintenance of the building lateral. The method of connection of the building lateral will be dependent upon the type of sewer material used and in all cases shall be approved by the Commissioner.

§ 91-31. Inspection of connections; penalty.

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

When trenches are opened for the laying of building lateral pipes, such trenches shall be inspected by the Commissioner before the trenches are backfilled; and the Contractor performing such work shall notify the Commissioner when the laying of building lateral is completed. The backfilling of a trench before inspection is made or approval given, will subject the Contractor to a penalty of not to exceed \$250 for each offense, and the trench shall be re-opened for inspection at the expense of the Contractor. In case of a violation of any of the rules and regulations of the District by a Contractor, or other persons in his employ, the Contractor may be denied future permits to complete work in the Town.

§ 91-32. Safety and indemnification for excavation.

All excavations for building lateral installation shall be adequately protected with barricades and lights so as to protect the public from hazard. An indemnity bond will be required to be posted before a permit will be granted to excavate. All excavations must be properly refilled, tamped at intervals and the original type of surface be replaced. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commissioner or other authority having jurisdiction.

§ 91-33. Capping of building sewers.

In the case of the demolition of a building within the District, which has a building lateral, the Owner is responsible for obtaining a permit before commencing demolition work and for properly capping the building lateral at the property line to prevent entry of dirt, debris or any foreign substances into the public sewer. This shall be accomplished under the supervision of the Commissioner.

ARTICLE V
Sewer Extensions

§ 91-34. Design specifications; approval required.

- A. All extensions to the sanitary sewer system owned and maintained by the District shall be properly designed in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes-Upper Mississippi River Board of the State Sanitary Engineers and in strict conformance with all requirements of the New York State Department of Health.
- B. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Commissioner and the Albany County Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions and developments within the immediate drainage area.

§ 91-35. Conditions for construction by district.

Sewer extensions, including individual building laterals to the property line, may be constructed by the District under public contract, if in the opinion of the Town Board, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the building lateral from the property line to his residence or place of business in accordance with the requirements of chapter IV. Property owners may propose sewer extensions within the District by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town Board.

§ 91-36. Construction by property owner.

If the Town Board does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension if this extension is approved by the Town Board in accordance with the requirements of Section 91.34. The property owner, builder or developer must pay for the entire installation, including all expenses incidental thereto. Each building lateral installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 91.37. The installation of the sewer extension must be subject to inspection by the Commissioner and the expenses for this inspection shall be paid for by the owner, builder or developer. The Commissioner's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 504 before any building lateral is connected thereto. The entire cost of the sewer extension thus made shall be absorbed by the developers or benefiting property owners.

§ 91-37. Design standards.

Sewer design shall be in accordance with the standards and specifications as established by the Commissioner in the Requirements for Sanitary Sewer Connections.

ARTICLE VI
Use of Public Sewers

§ 91-38. Discharge of drainage to sanitary sewers prohibited.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Discharge of treated and untreated contaminated groundwater may be permitted if pre-approved and in compliance with requirements established by the Commissioner.

§ 91-39. Discharges to storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewer, or to a natural outlet. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Commissioner and DEC, to a storm sewer, or natural outlet.

§ 91-40. Prohibited discharges; solids or debris.

No person shall discharge solids or debris that may cause clogging of the sewer pipes or pump stations. Owner shall be responsible for costs of installation and maintenance of comminutors, grinders, or other pretreatment devices if deemed necessary by Commissioner.

§ 91-41. Prohibited discharges; waters or wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade) or in such quantities that the temperature at the sewage treatment plant influent exceeds 104 degrees Fahrenheit (40 degrees Centigrade).
- B. Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.
- C. Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million.
- D. Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid, or gas.
- E. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- F. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Commissioner.
- G. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard,

wood, paunch manure, hair and flesh, entrails, lime slurry, lime residues, cannery waste, bulk solids, or any other viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage system.

- H. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewerage system. Free acids and alkalis must be neutralized at all times, within a permissible pH range of 6.5 to 9.5.
- I. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to 307(a) of the Act, any of the following toxic contaminants and any other toxic contaminant which is identified as having a similar nature:
- (1) Aldrin.
 - (2) Benzidine and salts.
 - (3) DDT, DDD and DDE.
 - (4) Endrin.
 - (5) Mercury and compounds.
 - (6) PCB's (polychlorinated biphenyls).
 - (7) Toxaphene.
 - (8) Alkanes, alkenes and alkynes.
 - (9) Aliphatic and aromatic alcohols and acids.
 - (10) Aliphatic and aromatic aldehydes and ketones.
 - (11) Aliphatic and aromatic esters.
 - (12) Aliphatic and aromatic halogenated compounds.
 - (13) Aliphatic and aromatic nitro, cyano and amino compounds.
 - (14) Antibiotics.
 - (15) Benzene derivatives.
 - (16) Chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds.
 - (17) Pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides, phthalates.
 - (18) Polyaromatic and polynuclear hydrocarbons.
 - (19) Total toxic organics, TTO, as defined in 40 CFR 433.11.
 - (20) Toxic organic compounds regulated by Federal Pretreatment Standards.
 - (21) Unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group.
 - (22) Viable pathogenic organisms from industrial processes or hospital procedures.
 - (23) Antifreeze.
- J. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable State or Federal regulations.
- K. Any pollutants, including oxygen demanding pollutant (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average twenty-four hour concentration, quantities or flow during normal operation.

- L. Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.

§ 91-42. Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided at the Owner's expense when the above set limits for those substances are exceeded or when, in the opinion of the Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers that, when bolted in place, shall be gastight and watertight.

§ 91-43. Maintenance of interceptors.

Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Commissioner at any time. Owners that fail to properly maintain these systems resulting in violation of this chapter shall be subject to a penalty not to exceed \$500.

§ 91-44. Pretreatment requirements for industrial users.

- A. Any significant industrial user, as a condition for the use of the public sewer system, shall conform to the preliminary treatment requirements and the reporting requirements established by this chapter and by the Regional Administrator. The standards for pretreatment and resulting discharge by such user shall be those established from time to time by the Regional Administrator and/or by the terms of any discharge permit issued to the Town by the Regional Administrator. The reports required herein shall be those established and required either by the Commissioner or by the Regional Administrator.
- B. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under

this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Commissioner shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the Town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or to a harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 403.7(c) (2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

- C. If the Commissioner permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioner and subject to the requirements of all applicable codes, ordinances and laws. Significant industrial users with applicable waste discharge components shall meet pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with 307 of FWPCAA.
- D. Industries must provide information describing wastewater constituents and characteristics and the type of activity involved. Specific information is required in the initial application on the anticipated flow, pH, settleable and floating solids, suspended solids, oil and grease, BOD, ammonia nitrogen, total Kjeldahl nitrogen, phosphorus, coliform and fecal coliform bacteria and heavy metals concentrations or values anticipated as well as other specific parameter levels as determined by the Commissioner.

§ 91-45. Control of waste limits.

The following table shall control the waste limits, being the maximum concentrations that can be discharged into the sewer system by any non-residential user based upon any single sample during a given day. Limits more stringent than those set forth in the table below may be established by the Commissioner for any industrial user determined, based on the criteria established in this chapter, to be a Large Significant Industrial User or as otherwise set forth in this chapter. The following table shall not be construed as to exclude other materials not listed therein and which may have similar adverse effects requiring limitations:

LOCAL LIMITS

PARAMETER	DISCHARGE LIMIT (PPM)
Aluminum	50
Ammonia	50
Arsenic	0.5
BOD₅	300
Benzidine	10
Bis(2-hethyl hexyl)phthalate	10
Cadmium	0.15
Chromium	1.5
Copper	0.3
Cyanide	0.2
Iron	10
Lead	1.0
Mercury	0.01
Nickel	1.0
Phenolics	1.0
Phosphorus	20
Selenium	3.0
Silver	0.05
TSS	350
Toluene	10
Zinc	0.5

§ 91-46. Supplementation of Limitations

Limitations on wastewater strength or mass discharge contained in this chapter may be supplemented with more stringent limitations when, in the opinion of the Commissioner:

- A. The limitations in this chapter are not sufficient to protect the POTW,
- B. The limitations in this chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,
- C. The POTW 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,
- D. Municipal employees or the public will be endangered, or
- E. Air pollution and/or groundwater pollution will be caused.

§ 91-47. Recalculation of Limitations

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

§ 91-48. Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the property owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. Within five days following an accidental discharge, the user shall submit to the Commissioner a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

§ 91-49. Notification to Industrial Users:

The Commissioner shall, from time to time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 403 of the Clean Water Act, and Subtitles C and D of RCRA.

§ 91-50. Significant Industrial User's Wastewater Discharges.

No Significant Industrial User shall discharge wastewater to the POTW without having a valid wastewater Discharge Permit issued by the Commissioner. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of the chapter. Violation of permit conditions shall be deemed violation of this chapter.

§ 91-51. Large Significant Industrial User's Wastewater Discharges.

Large Significant Industrial Users are subject to all the terms and conditions that are applicable to Significant Industrial Users. In addition, during the planning phase a Large Significant Industrial User shall attend a Predevelopment Meeting with Town officials. Discharge limits will be allocated for each Large SIU based on the POTW's available capacity.

§ 91-52. Other Industrial Users.

The Commissioner may issue Wastewater Discharge Permits to other industrial users of the POTW if it is in the best interest of the Town and necessary to prevent process upset, reduce the health or safety risk posed to the public or workers, or to prevent contravention of any environmental requirement (sludge standard, water quality, etc.).

§ 91-53. Access to Private Premises.

The Commissioner, bearing proper credentials and identification, shall be permitted to enter all private premises for the purpose of inspection, observation, measurement, sampling, repair, and maintenance.

§ 91-54. Special Agreements.

A. Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the Town and any User of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the 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 herein
- (5) prevent the equitable compensation to the Town for wastewater conveyance and treatment, and sludge management and disposal

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

C. No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW 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 in its sole discretion and judgment.

§ 91-55. Permit application.

A. Proposed users shall complete and file with the Town an application in the form prescribed by the Town and accompanied by a fee as established by the Town annually. All proposed new users shall apply for a wastewater contribution permit at least 90 days prior to connecting to or contributing to the POTW. In addition to the requirements established herein, proposed new users that meet the definition of Large Significant Industrial Users shall attend a Predevelopment Meeting with the Town officials during the industry's planning phase.

B. In support of the application, all industrial users shall submit, an Industrial Waste Survey provided by the Town and supplemented as deemed necessary by the Commissioner. All information shall

be furnished by the user in complete cooperation with the Commissioner.

- C. Where known, the nature and concentration of any pollutant in the discharge which is limited by any Town, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards.
- D. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest time schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Commissioner including whether or not it complied with the 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 the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Commissioner.
- E. The Town 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.

§ 91-56. Permit modifications.

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the Commissioner within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by Section 617 and otherwise outlined in this chapter.

§ 91-57. Permits duration.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit. The user shall be informed of any proposed changes in his permit at least 90 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 91-58. Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new property owner, new user, different premises or a new or changed operation without the approval of the Town.

§ 91-59. Periodic compliance reports.

Any user subject to a Federal pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Commissioner during the month of June, unless required more frequently in the Federal pretreatment standard or by the Commissioner through the wastewater discharge permit issued to the industrial user, a report indicating the User's compliance with the requirements. The report shall include, but not limited to, such parameters as flow rate and concentration in the effluent of parameters indicated in the local limits or wastewater discharge permit. At the discretion of the Commissioner and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Commissioner may agree to alter the months during which the above reports are to be submitted.

§ 91-60. Flow Equalization.

No person shall cause the discharge of slugs to the POTW. Each person discharging into the POTW greater than 100,000 gallons per day 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 Commissioner. A wastewater discharge permit may be issued solely for flow equalization.

§ 91-61. Monitoring facilities.

- A. The Town may require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building lateral and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.
- B. The specific location(s) of the sampling structure(s) shall be as determined by the Commissioner. To the extent practicable, facilities shall have a single connection point to the POTW and this shall be the location of sampling to assess compliance with the Local Limits. Facilities subject to Federal pretreatment standards may be required to install additional sampling locations as

necessary to isolate the specific process discharges regulated by the Federal pretreatment standard.

§ 91-62. Inspection and sampling.

- A. The Town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Town approval authority, NYSDEC and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Town, NYSDEC and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- B. The Commissioner and other duly authorized employees of the Town, whether direct employees or subcontractors thereof, New York State and/or the EPA bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Commissioner or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 91-63. Revocation of permit:

- A. Any user who violates the following conditions of this chapter or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of this chapter:
 - (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit.
- B. Whenever the Town finds that any user has violated or is violating this chapter, the wastewater discharge permit or any prohibition, limitation or requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user.

§ 91-64. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the Town, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the court of this county.

§ 91-65. Pretreatment Program Costs:

The additional charges and fees associated with the development, implementation and ongoing administration of the pretreatment program shall be assessed against the permitted industrial users by the Commissioner, and shall include:

- (1) reimbursement of costs of setting up and operating the pretreatment program;
- (2) issuing permits;
- (3) monitoring, inspections, and surveillance procedures;
- (4) costs of equipment and supplies;
- (5) reviewing accidental discharge procedures;
- (6) construction inspections;
- (7) filing appeals;
- (8) application for consistent removal status as outlined in 40 CFR 403;and/or
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the NYSDEC, and the Federal Government and/or
- (10) All laboratory costs or costs of any subcontractor the Town chooses to use for specialty sources services associated with implementation or development of the pretreatment program.

§ 91-66. Rejection of Wastewater.

The Town Board may reject a User's wastewater, on recommendation of the Commissioner, when it has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard.

§ 91-67. 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 chapter.

§ 91-68. Public Access to Information Maintained by the Commissioner:

A. When requested, the Commissioner 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 Commissioner that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

B. 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 chapter, 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 Commissioner shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

ARTICLE VII
Protection from Damage

§ 91-69. Tampering prohibited.

Any person who shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, apparatus or equipment which is part of the POTW shall be deemed to have violated this chapter. Any person who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against such chapter and shall be liable for the penalties provided. A separate offense against this chapter shall be deemed committed on each day during or on which a violation occurs or continues. A separate penalty may be imposed for each separate offense.

§ 91-70. Enforcement Response Plan.

- A. The response to violations of this chapter, inclusive of special conditions or requirements that may be established in industrial discharge permits, shall be consistent with the Town's Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, outlines the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- B. The Enforcement Response Plan:
 - (1) describes how the Commissioner will investigate instances of non-compliance
 - (2) describes the types of escalated enforcement actions that the Commissioner 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 reflects the Town Board's responsibility to enforce all applicable standards and requirements.
- C. The Enforcement Response Plan contains:
 - (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.
- D. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
 - (1) magnitude of the violation
 - (2) duration of the violation
 - (3) effect of the violation on the receiving water

- (4) effect of the violation on the POTW
- (5) effect of the violation on the health and safety of the POTW employees
- (6) compliance history of the user
- (7) good faith of the user

and shall promote consistent and timely use of enforcement remedies.

E. The Enforcement Response Plan shall be approved by the Town Board and shall be reviewed and updated as needed, but at a minimum frequency of once every five years.

ARTICLE VIII Inspectors

§ 91-71. Powers and authority.

The Commissioner, and other duly authorized agents of the District bearing proper credentials and identification shall be permitted to enter upon all properties subject to this chapter for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

ARTICLE IX Enforcement

§ 91-72. Criminal penalties.

For each violation of a provision of this chapter, the person violating the same shall be subject to a fine of not more than \$1,000 or imprisonment not to exceed six months, or to both such fine and imprisonment.

§ 91-73. Civil penalty.

Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$ 1,000 for each offense.

§ 91-74. Other remedies.

In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

§ 91-75. Public Notification.

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

§ 91-76. Method of payment.

The Town Board may determine and order by resolution that the total cost, including penalty and interest aforesaid, may be collected in annual installments with other Town taxes and charges, any balance of such total cost to remain a lien upon the property until fully paid.

ARTICLE X
Administration

§ 91-77. Repeal of other ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 91-78. Validity.

The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

§ 91-79. Severability.

Each provision of this chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this chapter that shall nonetheless remain in full force and effect.

§ 91-80. Insurance.

The Town shall maintain and carry insurance on all physical properties of the POTW of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

§ 91-81. Procedural requirements available.

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this chapter and for requesting a hearing shall be formulated by the Town and be made available upon request.

ARTICLE XI
Charges

§ 91-82. Normal sewage service charges.

All persons discharging or depositing wastes to the POTW shall pay a sewer service charge proportional to the volume of waste discharged, which charge shall be collected as a sewer rent. Annually the Town Board shall establish the sewer rate used in the calculation of sewer service charges for normal sewage. For the purposes of this chapter, "normal" sewage when sampled and analyzed in accordance with established protocols at the user's discharge point to the POTW shall have a Biochemical Oxygen Demand of 140 to 300 mg/l and a total suspended solids concentration of 180 to 350 mg/l.

§ 91-83. Surcharge for abnormal sewage.

All persons discharging or depositing concentrations in excess of the pollutant concentrations of normal sewage shall pay a surcharge. At a minimum, the surcharge shall account for BOD and TSS concentrations greater than that of normal sewage. However, the Town shall, at its discretion, assess a surcharge based the concentration of any organic or inorganic pollutant that results in a disproportional unit cost of treatment when compared to normal sewage. The assessment of any additional surcharges to address other pollutants shall follow a similar methodology to that outlined below.

§ 91-84. Total Sewer Service Charge:

The total sewer service charge (which shall be called the “User Charge”), is comprised of two parts, as follows:

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

Where: UC(t) = Total User Charge for POTW operation and maintenance
UC(n) = User Charge associated with normal sewage
UC(an) = User Charge associated with abnormal sewage
UC(n) = $OM \times (OQ/100) \times (QIA/QA)$
UC(an) = $OM \times [OB/100 \times (BIA-Bn)/BA] + [OS/100 \times (SIA-Sn)/SA]$

Where: OM = Total annual POTW operation and maintenance costs
OQ = Percentage of OM attributable to flow (Q)
OB = Percentage of OM attributable to BOD
OS = Percentage of OM attributable to TSS
QIA = Average daily flow rate (MGD) from discharger
BIA = Average daily BOD loading (lb/d) from discharger
SIA = Average daily TSS loading (lb/d) from discharger
QA = Average daily flow rate (MGD) at the POTW treatment plant
BA = Average daily BOD loading (lb/d) at the POTW treatment plant
SA = Average daily TSS loading (lb/d) at the POTW treatment plant
Bn = BOD loading (lb/d) in discharge if it were normal sewage
Sn = Loading (lb/d) in discharge if it were normal sewage

§ 91-85.

Prior to the discharge of any abnormal sewage, the industrial user and the Commissioner shall agree to the specific monitoring location(s), type(s) and frequency(ies) of samples and flow measurements, and methodology used to calculate the pollutant loading in the industrial user's discharge.

§ 91-86. Segmenting of the POTW.

The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

§ 91-87. Charge for Trucked and Hauled Wastes.

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the Town Board. The manner of determining the volume dumped shall be at the discretion of the Commissioner.

§ 91-88. Capital Recovery.

The Town Board may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters to the POTW.

§ 91-89. Impact Fees.

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

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

§ 91-90. Use of Revenues.

Revenues derived from user charges, associated penalties, and impact fees shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (1) For the payment of the operation and maintenance, including repair and replacement costs of the Town POTW,
- (2) For the discovery and correction of inflow and infiltration,
- (3) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Town POTW,
- (4) For the extension, enlargement, replacement of, and/or additions to the Town POTW, including any necessary appurtenances.

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

§ 91-91. Records and Accounts.

- A. The Town shall maintain and keep properbooks of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Town will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a certified public accountant, and will supply such audit report to authorized officials, and the public, on request.
- B. In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.
- C. Classification of old and new industrial users should also be reviewed annually.

ARTICLE XII
Effective date

§ 91-32. Filing with Secretary of State.

This chapter shall be effective immediately upon filing with the Secretary of State and shall amend and replace the previous chapter 91 of the Laws of the Town of Bethlehem.

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