

LOCAL LAW NO. 3-1983
CHAUTAUQUA COUNTY

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATION THEREOF; IN THE PORTLAND POMFRET DUNKIRK SEWER DISTRICT, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK

BE IT ENACTED, by the County Legislature of the County of Chautauqua as follows:

ARTICLE 1
Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this local law shall be as follows:

SECTION 101. "A.S.T.M." shall mean American Society for Testing and Materials.

SECTION 102. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

SECTION 103. "Board" shall mean the Portland Pomfret Dunkirk Sewer District Board of Directors or its authorized deputy, agent or representative.

SECTION 104. "Builder" shall means any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 105. "Building Drain" shall mean that part of the lowest horizontal piping of the drainage system which receives discharge from pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

SECTION 106. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

SECTION 107. "C F R" shall mean the Code of Federal Regulations.

SECTION 1089. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

SECTION 109. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

SECTION 110. "Contractor" shall mean any person, firm, or corporation approved by the Board to do work in the District.

SECTION 111. "County" shall mean the County of Chautauqua.

SECTION 112. "Developer" shall mean any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract of land subdivision.

SECTION 113. "District" shall mean the Portland Pomfret Dunkirk Sewer District, Chautauqua County, New York a county sewer district organized and existing pursuant to Article 5-A of the County Law of the State of New York.

SECTION 114. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

SECTION 115. "Engineer" shall mean the Professional Engineer retained by the Portland Pomfret Dunkirk Sewer District.

SECTION 116. "Fredonia" shall mean the Village of Fredonia, a municipal corporation of the State of Ne York located in the County of Chautauqua.

SECTION 117. "Garbage" shall mean wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

SECTION 118. "Industrial User" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Classification Manual" 1972 edition, as published by the Executive Office of the President, and who uses the District's sewer system.

SECTION 119. "Industrial Wastes" shall mean any liquids, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing trade or business or from the development or recovery of any natural resources.

SECTION 120. "N.Y.S.D.E.C." shall mean New York State Department of Environment Conservation.

SECTION 121. "Natural Outlet" shall mean any sewer outlet that would ultimately reach a watercourse pond, ditch, lake or other body of surface or ground water.

SECTION 122. "Owner" shall mean any individual firm, company, association, society, person, or group having title to real property.

SECTION 123. "Person" shall mean any individual, fir, company, association, society, corporation or group.

SECTION 124. "pH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

SECTION 125. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

SECTION 126. "POTW's" shall mean Publicly Owned Treatment Works including the sewage treatment plant of Fredonia.

SECTION 127. "Properly Shredded Garbage" shall mean the waste s from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in an dimension.

SECTION 128. "Pretreatment" shall mean the reduction of the amount of the 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, process changes or by other means, expect as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

SECTION 129. "Property Line" shall mean the boundary of the street if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a permanent sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 130. "Public Sewer" shall mean a sanitary sewer in which all owners of abutting properties have equal rights which is located within the boundaries of the district, and which either is owned by the district or, after May 25, 1983, has a district owned line available for connection to it.

SECTION 131. "Residential User" shall mean any premises used only for human residency and which is connected with the POTW.

SECTION 132. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SECTION 133. "Septic Tank Waste" shall mean a combination of the liquid and water carried waste from residential, commercial, industrial, and industrial septic systems, collected and transported by scavenger tank truck operators.

SECTION 134. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.

SECTION 135. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 136. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

SECTION 137. "Sewer" shall mean a pipe or conduit for carrying sewage.

SECTION 138. "Shall" is mandatory; "May" is permissive.

SECTION 139. "Significant Industrial User" shall include: (A) All industries subject to promulgated categorical pretreatment standards (21 primary industries), (B) Industries having substantial impact, either singly or in combination with other contributory industries on the operation of treatment works, (C) Manufacturing industries using, on an annual basis, more than 10,000 pounds and/or 1,000 gallons of material containing priority pollutants/substances of concern, and discharging a measurable amount of these pollutants to the sewer system from the process using these pollutants, and (D) Those industries discharging more than five percent of the flow overload carried by the municipal system receiving the waste.

SECTION 140. "Slug" shall mean any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of wastewater treatment systems.

SECTION 141. "Standard Dimension Ratio (SDR)" is the ration of the nominal diameter to the wall thickness of the pipe.

SECTION 142. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SECTION 143. "State Plumbing Code" shall mean the New York State Building Construction Code applicable to plumbing, including al amendments.

SECTION 144. "Storm Sewer" Or "Storm Drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

SECTION 145. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or to liquids; and which are removable by laboratory filtering. The laboratory determination shall be made in accordance with "Standard Methods."

SECTION 146. "USEPA" shall mean the United States Environmental Protection Agency or where appropriate, a designation for the administrator or other duly authorized official of said agency.

SECTION 147. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 148. Terms not otherwise defined herein shall be as adopted in the latest edition of Glossary Water and Wastewater Control Engineering published by the American

Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

ARTICLE II Use of Public Sewers Required

SECTION 201. It shall be unlawful to discharge to any natural outlet within the District any sewage or other polluted waters where a public sewer or connection to a district sewer line is available.

SECTION 202. The owner of any real property which generates sewage and which abuts on any street or right-of-way in which a public sanitary sewer is located is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within six (6) months after the date of notice to do so, provided said public sewer is located within one hundred fifty (150) feet of the building or other source of sewage generation upon the property. The time within which such connection must be made may be extended by the board for good cause shown, but in no event may such extension be more than any additional six (6) months. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

SECTION 203. Any person owning a public sewer located within the district for which connection to a sanitary sewer owned by the district is available is hereby required at his expense to connect such public sewer to the sanitary sewer owned by the district in accordance with the provisions of this local law within six (6) months of the date of notice to do so. The time within which such connection must be made may be extended by the board for good cause shown, but in no event may such extension be more than an additional six (6) months.

ARTICLE III Private Sewage Disposal

SECTION 301. Private Sewage Disposal within the District where connection is not required under Article II of this Local Law shall conform to the requirements of the Chautauqua County Health Department and the requirements of the New York State Department of Environmental Conservation.

SECTION 302. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, a direct connection shall be made to the public sewer in compliance with this Local Law, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 303. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Environmental Conservation or Chautauqua County Health Department.

ARTICLE IV Building Sewer Connection

SECTION 401. 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 Board; this permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new changed operation, Industrial users shall apply for a permit modifications If production or process is changed so that the wastewater characteristic or flow is altered. In accordance with the district's agreement with Fredonia, any building, structure or facility used directly or indirectly in connection with any industrial, commercial, manufacturing or business purpose shall not be permitted or allowed to connect or tie into a public sewer without first applying to and obtaining written permission from the Board of Trustees of Fredonia; rental homes or cottages with strictly domestic wastes shall not be construed as a business.

SECTION 402. The Owner or his agent shall make application for a building sewer connection on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications, as-built plans, or other information considered pertinent in the judgement of the Board, or Fredonia in cases where permission from Fredonia is required under Section 401 of this Local Law.

SECTION 403. A separate and independent building sewer shall be provided for every building; except private collection systems in place prior to September of 1983 can continue to be used if these systems meet all requirements of this law and where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer for each group for four (4) living units.

The building sewer shall be installed in strict accordance with the State Plumbing Code. Traps, fresh air vents and cleanouts must be utilized. Vents shall be one foot above the ground or one foot above the 100 year flood elevation, whichever is higher.

SECTION 404. Existing building sewers may be used in connection with new building only when they are found, on examination and test by the Board, to meet all requirements of this Local Law.

SECTION 405. The building sewer shall be tar-coated, extra heavy cast iron soil pipe, conforming to ASTM Specification A74 or Polyvinyl Chloride (PVC) pipe conforming to ASTM D-3034 providing for a minimum Standard Dimension Ratio of 35 and a minimum pipe stiffness of 46 at 5 percent deflection. (Schedule 40 P.V.C. Pipe). Joints shall be right and waterproof.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Board, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-quarter (1/4) inch per foot unless permission is granted by the Board. In any case, the slope of the pipe shall not be less than one eighth (1/8) inch per foot.

SECTION 407. The building sewer may be brought to the building at an elevation below the basement floor. No building sewer 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, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction not to exceed 45° shall be made only with properly curved pipe and fittings. The ends of the building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means. Each building sewer must be provided with a clean out at house wall end, and sharp changes in direction and at least for every 100 feet of length. No trap or vent shall be placed less than 5 feet from any window, door, or ventilation intake.

SECTION 408. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

SECTION 409. All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the Board. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ATM Specifications C12 except that no backfill shall be placed until the work has been inspected by the Board.

SECTION 410. All joints and connections shall be made gastight and watertight. No Portland Cement Mortar joints will be permitted. No point, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adaptors and joint materials approved by the Board.

Pre-molded gasket joints for hub and plain end cast iron pipe and P.V.C. pipe shall be used with a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit, designed for joining the pipe 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 itself. Lubricant shall be a bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

SECTION 411. The connection of the building sewer into a public sewer shall be made at the location of the lateral connection provided by the District or directly to the sanitary sewer as directed by the Board in individual circumstances. The Owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Board.

SECTION 412. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board, or its representative.

When trenches are opened for the laying of building sewer pipes, such installations shall be inspected by the Board before the pipes are covered; and the person performing such work

shall notify the Board when the installation of the building sewer is completed. The covering of a pipe before inspection is made will subject the person to whom a permit is issued to penalties under Article IX of this law and the installation will not be approved for use until it is uncovered and inspected by the Board.

SECTION 413. All excavations for building sewer installation shall be adequately guarded 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 Board.

SECTION 414. When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Board, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Board 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 Board. If required, a new manhole shall be installed in the public sewer pursuant to Section 504, at the cost of the property owner, and the building sewer connection made thereto as directed by the Board.

SECTION 415. Where it is determined by the District that the leakage rate for a building sewer in the areas served by a public sewer prior to 1983 is in excess of 3.8 gallons per inch of a diameter per 100 feet of sewer per 24 hours, the owner of the building sewer shall bear all expense for the repair of said sewer from the public sewer property line to the building to reduce the leakage rate to a level less than 3.8 gallons per inch of diameter per 100 feet of sewer per 24 hours.

ARTICLE V Sewer Extensions

SECTION 501. All extension to the sanitary sewer system owned and maintained by the District and other public sewers within the districts shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the New York State Department of Environmental Conservation of County Health Department and the District before construction may proceed. The design of sewers must anticipate and allow the flows from all possible future extensions or development within the immediate drainage area.

SECTION 502. Sewer extensions shall be governed by the procedures set forth in Article 5-A of the County Law. Sewer extensions, including individual public sewers to connect to building owners at the property line, may be constructed by the Board under public contract if, in the opinion of the 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 sewer from the property line to his residence or place of business in accordance with the requirements of Article 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 Board. The cost of such extensions may be assessed to the benefited property owners pursuant to applicable law.

SECTION 503. If the Board does not elect to construct a sewer extension under public contract, the property owners, building or developer may construct the necessary sewer extension, if such extension is approved in accordance with the requirements of Section 501. Application for approval of the extension must be by the Board, not the private developer. The owner, builder or developer must pay for the entire installation, including all expenses, incidental thereto. Each building sewer must be installed and inspected as required by Article IV. Design of sewer shall be as specified in Section 504. The installation of the sewer extension shall be paid for by the owner, builder or developer. The Engineer's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 505 before it is to be used.

SECTION 504. Main line sewer design shall be in accordance with the following provisions. Pipe material shall be polyvinyl chloride pipe conforming to ASTM Specification D-3034. Minimum internal pipe diameter shall be eight (8) inches. Joints shall be designed and manufactured such that "O" ring gaskets of the "snap on" type are employed. Gaskets shall be continuous, solid neoprene and shall provide a positive compression seal in the assembled joint such that the requirements of Section 505 are met. Wye branch fittings shall be installed for connection to building sewers in accordance with Section 403.

Pipe thickness and field strengths shall be calculated using the following criteria:

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

P.V.C. pipe shall have wall thickness equal to or greater than those provided by an Standard Dimension Ratio of 35.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers".

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall have a precast minimum 4 foot diameter concrete manhole barrel section with an eccentric tapered top section and a base section as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the District and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed with "O" rings against infiltration.

SECTION 505. All sewer extensions shall satisfy requirements of a leakage test before they will be approved and sewage flow accepted from them by the Board. In installations above the ground water table, this test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least twenty-four (24)

hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for the test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewer laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours.

In installations normally below the ground water table, an infiltration test shall be substituted for the hereinbefore specified exfiltration test. This test shall not be conducted until all dewatering in the area of the extension has been stopped and the ground water level has returned to normal levels. The test consists of the installation of an approved type low head measuring wire or other approved method, in the invert at the downstream end of the section being tested, together with all other necessary facilities as may be required to properly perform the test.

The total leakage of any section tested shall not exceed the rate of 200 gallons per mile of pipe per 24 hour per inch of nominal pipe diameter. For purposes of determining allowable leakage, manholes shall be considered as sections of 48 inch diameter pipe, five (5) feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours for 48 inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements, required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met. Regardless of the rate of measured leakage, all points of visible leakage shall be sealed in an approved manner.

Other forms of sewer testing may be permitted subject to the approval of the Engineer and NYSDEC Standards.

SECTION 506. All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the District and shall thereafter be maintained by the District. Said sewers, after their acceptance by the District shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided for by the District. At the sole discretion of the District a completion bond or other security may be demanded as part of the guarantee.

ARTICLE VI Use of the Public Sewers

SECTION 601. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse approved by the Board. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Board, to a storm sewer, or natural outlet subject to NYSDEC and the United States Environmental Protection Agencies (E.P.A.) approval.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any substance which may cause the POTW's effluent or any other product of the POTW such residues, sludges, or scum's, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Clean Water Act, any criteria, guidelines, or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used or any of the following described waters or wastes to any public sewer:

(a) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C) or in such quantities that the temperature at the treatment plant exceeds 40°C (104°F).

(b) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernible viscous at temperatures between 32 and 150 degrees.

(c) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 100 Ng/liter or other soluble matter.

(d) Any gasoline, benzene, naphtha, fuel oil, or mineral oil, or other flammable or explosive liquid, solid, or gas.

(e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, 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 Board.

(g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, line residues, beer or distillery slops, why, chemical residues, paint residues, cannery waste, bulk solids, or any other solid of viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.

(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 sewage works. Free acids and alkali's must be neutralized, at all times, within permissible pH range of 5.5 to 9.5.

(i) Any cyanides, in excess of 2 mg/l by weight as CN.

(j) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with State or Federal Regulations.

(k) Any waters or wastes that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" sewage as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be constructed to fall within the following ranges:

Constituents	Permissible Range (mg/l)
Suspended Solids	180 to 350
B.O.D.	140 to 300
Chlorine Requirements	5 to 20

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

(m) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals to create any hazard in the receiving of waters or the effluent of any sewage treatment facility to which the District's sewage collection system is tributary. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the sewage treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Board in volume and concentration of wastes discharged.

Parameter	Effluent Concentration Limit mg/L
Cadmium	0.4
Hex. Chromium	0.2
Total Chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available Chlorine	50.0
Cyanide-Free	0.4
Cyanide-Complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides-To Fresh Water	4.0*
Phenol	4.0

*May be multiplied by a factor of 1.5, if the potable water supply is not fluoridated.

The above limits shall be superseded by the New York State Department of Environmental Conservation and United States Environmental Protection Agencies Standards when these limits are established.

(n) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

SECTION 604. Grease, oil and sand interceptors shall be provided by the owner when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, 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 Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection and as to be effective in decreasing the amount of such waste to a level below the limits set for these substances by this law.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

SECTION 605. 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 Board at any time.

SECTION 606. Where it is determined by the District that the leakage rate for a public sewer not owned by the District is in excess of 3.8 gallons per inch of diameter per 100 feet of sewer per 24 hours, the owner of such public sewer shall repair said public sewer at his expense so that the leakage rate stated in this section is not exceeded.

SECTION 607. No person shall discharge sewage or take any other act in contravention of Fredonia ordinances, local laws and regulations now in effect or hereinafter enacted or as amended from time to time relating to the use of the Fredonia sewer system.

ARTICLE VII Industrial Discharges

SECTION 701. All industrial dischargers shall file the wastewater information deemed necessary by the District for determination of compliance with this law, the Districts SPDES permit conditions, and State and Federal laws. Such information shall be provided by completion of a questionnaire designed and supplied by the District and by supplements thereto as may be necessary. Information requested in the questionnaire and designed by the discharger as confidential is subject to the conditions of confidentiality as set out in Section 722 of this Article.

SECTION 702. All Industrial Users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. Users required to obtain a Permit shall complete and file with the District, an application in the form prescribed by the District. Existing users shall apply for a Permit within

30 days after the effective date of this law, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

SECTION 703. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard industrial Classification Manual, Bureau of the Budget, 1972 as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Article VI of this law as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Each produce produced by type, amount, process or processes and rate of production;
- (i) Type and amount of raw materials processed (average and maximum per day);
- (j) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (k) Any other information as may be deemed by the District to be necessary to evaluate the permit application;
- (l) Where known, the nature and concentration of any pollutants in the discharge which are 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 O&M and /or additional pretreatment is required for the User to meet application Pretreatment Standards;
- (m) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment, Refer to Article VIII, Pretreatment for further details regarding industrial discharger's pretreatment requirements;

The District will evaluate the data furnished by the user and may required additional information. After evaluation and acceptance of the data furnished, the District may issue a wastewater discharge permit subject to terms and conditions provided herein.

SECTION 704. Where a person owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the District.

SECTION 705. Wastewater discharge permits shall be expressly subject to all provisions of this Law and all other applicable regulations, user charges and fees established by the District. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (See Section 709; 710);
- (h) Requirements for maintaining and retaining plant records relating to wastewater Discharge as specified by the District, and affording District access thereto;
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges;
- (k) Other conditions as deemed appropriate by the District to ensure compliance with the Law.

SECTION 706. Within 9 months of the promulgation of a Federal 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 Federal Categorical Pretreatment Standard, has not previously submitted and application for a wastewater discharge permit as required by Section 703, the User shall apply for a wastewater discharge permit within 180 days after the

promulgation of the Applicable Federal Categorical Pretreatment Standard. In addition, the User with an existing wastewater discharge permit shall submit to the District within 180 days after the promulgation of an application Federal Categorical Pretreatment Standard the information required by paragraph (1) and (m) of Section 703.

Also, an industrial discharger shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered.

SECTION 707. 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 a year or 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 District during the term of the permit as limitations or requirements as identified in Article VI are modified or other just cause exists. The User shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SECTION 708. Wastewater discharge permits are issued to a specific user for specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new Owner, new User, different premises or a new or changed operation without the approval of the District. Any succeeding Owner or User shall also comply with the terms and conditions of the existing permit.

SECTION 709. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the District 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 of these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis and if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

SECTION 710. Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW shall submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District, 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 exceeding the average daily flow reported in paragraph 705 (b) of this section. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may agree to alter the months during which the above reports are to be submitted.

SECTION 711. The District may impose mass limitations on Users where the imposition of mass limitations are appropriate. In such cases, the report required by Section 710 shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of pollutants contained therein which are limited by the applicable Pretreatment Standards.

SECTION 712. When required by the District or if identified as a significant Industrial Use, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

SECTION 713. The District shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether or not manholes and equipment for monitoring industrial wastewater discharges shall be required. Where the District determines a manhole and equipment for monitoring or measuring industrial wastewater discharges in not practicable, reliable, or cost effective, the District may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the District's judgement, provide an equitable measurement of such characteristics.

SECTION 714. All measurements tests, and analysis of the characteristics of waters to which reference is made in this law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the National Pretreatment Standards developed by the USEPA, 40 CFR 403 including all amendments, or such alternate methods approved by the District and which comply with State and Federal Law. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the District. The discharger shall have the option to use, as this own expense more complete sampling methods, locations, times, durations, and frequencies than specified by the District.

SECTION 715. Measurements, tests, and analyses of the characteristics of wastewater required by this Ordinance shall be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the District's laboratory, make arrangements with any qualified laboratory, including that of the discharger, to perform such analyses.

SECTION 716. Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on a 24 hour composite basis for the following schedule, unless more frequent monitoring is required by authority other than this law, or if the District, in their judgement, determines that the characteristics of the specific discharge warrants a different monitoring frequency:

Average Actual	
Daily User Discharges	Monitor Frequency
Less than 100,000 gpd.....	semi-annually
100,000-999,999 gpd.....	quarterly
More tan 999,999 gpd.....	monthly

SECTION 717. Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the District.

SECTION 718. Upon demonstration by any User that the characteristics of the wastewater discharged by that User are consistent, the District may reduce the frequency as may be required by authority other than this Law.

SECTION 719. In determining discharge characteristics, factor such as continuous or batch operation and information requirements of other provisions of this law shall be considered by the District. The District may obtain wastewater samples as required to verify the consistency of discharge characteristics.

SECTION 720. Fees for any given measurement, test or analysis of wastewater required by this Law and performed by the District shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

SECTION 721. The District shall inspect the facilities of any User to ascertain whether the purpose of this Law is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examinations or in the performance of any of their duties. The Town, District, Approval Authority (such as the NYSDEC) and EPA shall have the right to set upon 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 their premises, the User shall make necessary arrangement with their security guards so that upon presentation of suitable identification, personnel from the Town, District, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. See also Article X of this Law for additional comments concerning the powers and authority of inspectors.

SECTION 722. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically request and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of produc6tion entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the

public but shall be made available upon written request to governmental agencies for Elimination Systems (SPDES) Permit, and/the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the User furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential, shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten day notification is given to the User. In no event shall the District disclose any claimed confidential information to any person without this prior notice in writing to the owner without providing the Owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

SECTION 723. When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 207 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the District.

SECTION 724. Any direct or indirect connection or entry point for persistent or deleterious wastes to the User's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the User shall approximately label such entry points to warn against discharge of such wastes in violation of this Law.

SECTION 725. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the County of State unless authorized by State or Federal regulations.

SECTION 726. An Industrial User shall notify the District and Fredonia immediately upon accidentally discharging wastes in violation of this Law. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notifications will not relieve Users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the District or Fredonia under applicable State and Federal regulations.

SECTION 727. A notice shall be furnished and permanently posted on the Industrial User's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Law. Also copies of the Law are to be made available to User's employees.

SECTION 728. The conditions of wastewater discharge permits shall be uniformly enforced by the District in accordance with this Law and applicable State and Federal regulations. Also, the permits shall be expressly subject to all provisions of this Law and all other regulations, user charges and fees established by the District and applicable State and Federal regulations.

SECTION 729. Any User who violates the following conditions of this Law, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of this Law.

- (a) Failure of a User to factually report the wastewater constituents and characteristics or his discharge;
- (b) Failure of the User to report significant charges in operation, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring ; or
- (d) Violation of conditions of the Permit

Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be punished in accordance with the penalties stated in Article XI of this Law.

The District is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limit requirements or provisions of the Law or the wastewater discharge permit to:

- (a) Comply forthwith; or
- (b) Comply in accordance with a time schedule set forth by the Town; or
- (c) Take appropriate remedial or preventive action in the event of a threatened violation.

SECTION 730. No statement contained in this article shall be construed as preventing any special agreement between the District and any industrial concern, with the consent of Fredonia, whereby an industrial waste of unusual strength or character may be accepted by the District for treatment provided that the treatment plant can accept the waste and it will not cause the Sewage Treatment Plant of Fredonia to contravene its permit limits.

ARTICLE VIII

Pretreatment

SECTION 801. If any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the facilities, processes equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers or if there is admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300/mg/1 by weight, or (b) containing more than 350 mg/1 of suspended solids, or (c) containing more than 20 mg/1 of chlorine, demand, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than 2 percent of the average daily sewage flow the District may:

- (a) Require pretreatment to a condition acceptable for discharge to the wastewater sewers:
- (b) Require control over the quantities and rates of discharge;
- (c) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges;
- (d) Require the development of compliance schedules to meet any applicable pretreatment requirements;

(e) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements;

(f) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;

(g) Obtain remedies for noncompliance by any User. Such remedies may include injunctive relief, civil penalties or appropriate criminal penalties or (as specified in Article XI of this Law);

(h) Reject the wastewater – if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

SECTION 802. Regulations governing pretreatment for existing and new sources of pollution shall be in accordance with those established by the USEPA and contained in 40 CFR, Part 403 as amended, unless otherwise stated within this Law.

SECTION 803. No person shall discharge or cause to be discharged to any wastewater facilities, wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Standard promulgated EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this Law. Compliance with such applicable pretreatment standards shall be within 3 years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation. See Section 706 or Article VII of this Law for requirements regarding discharge permit revisions and User compliance responsibilities following promulgation of the Federal Categorical Pretreatment Standard.

SECTION 804. Upon application by an Industrial User the District shall revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal Law.

Upon application by an Industrial User, the District shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Request for and determinations of a fundamental difference from the factors considered by EPA during the development of the pretreatment standards. Requests for and determinations of a fundamentally different adjustments shall be in accordance with Federal Law.

The District shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

SECTION 805. When considering the above alternatives, the District shall assure that conditions of the District's SPDES permit are met. The District shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharges. If the District allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. Plans, specifications, and any other pertinent information's relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and of the Department of Environmental Conservation of the State of New York, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this Local Law.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Law. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

SECTION 806. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

SECTION 807. Person required to pretreat wastewater in accordance with this Article shall provide a statement, reviewed by an authorized representative of the User and certified to by a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the User to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the User shall submit a plan (including schedules) to the District. The plan (including schedules) shall be consistent with applicable conditions of the District's SPDES Permit or other local, State or Federal laws.

The completion date in this Plan shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress 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 (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (b) No increment referred to in paragraph (a) shall exceed 9 months.
- (c) No 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 District 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 the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the District.

SECTION 808. Persons required to pretreat wastewater in accordance with this Article shall refer to Section 709, 710, and 711 of Article VII within this Law for requirements following compliance with applicable Pretreatment Standards.

SECTION 809. Discharges of wastewater to the Town's wastewater facilities from the facilities of any User shall be monitored in accordance with the provisions of Article VII, Section 712 through 721.

SECTION 810. In the event that the Federal government promulgates a regulation for a given new or existing User in a specific industrial subcategory that established pretreatment standards or establishes that such a User is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section 801 of this Article.

SECTION 811. The District shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facility of . The District shall not adopted or enforce discharge limitations more stringent than the requested limitations until the State and EPA acts on the application.

SECTION 812. When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the District.

Article IC

Protection from Damage

SECTION 901. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the District's sewerage works.

SECTION 902. A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or privilege sewage disposal.

SECTION 903. If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the District's wastewater facilities, the District shall cause the deposit or obstruction to be promptly removed or caused the damage to be promptly required. The cost for such work, including materials, labor and supervision shall be borne by the User causing such deposit, obstruction, or damage.

ARTICLE X

Powers and Authority of Inspectors

SECTION 1101. The continued violation of any provision of any section or concurrent violation of different sections of this local law shall constitute separate offenses for each and every day such violation of any provisions hereof shall continue and for each and every section violated.

SECTION 1102. Any person or owner who willfully, knowingly or recklessly fails to comply with the provisions of this local law, shall be quality of a misdemeanor and shall be subject to a sentence of imprisonment for up to one year and to a fine of up to One Thousand Dollars, (\$1,000.00) for each violation.

SECTION 1103. The board may assess a civil penalty of up to Two Hundred Fifty Dollars, (\$250.00) for each violation against any person or owner who fails to comply with the

provisions of this local law and may bring suit in the name of the district in a court of competent jurisdiction to enforce said penalty.

SECTION 1104. The board may bring suit in the name of the district in a court of competent jurisdiction against any person or owner who fails to comply with the provisions of this local law for any legal or equitable relief including an injunction and a suit for actual money damages.

SECTION 1105. In any suit brought by the board under Section 903 and 904 hereof, the district shall be entitled to recover attorneys fees, engineers fees and other costs to the district of ascertaining violations of this local law and enforcing the rights of the district and penalties hereunder.

SECTION 1106. The board may disconnect a building sewer at its connection with the sanitary sewer and plug the building sewer when the discharge from the building sewer threatens district personnel or the facilities, or processes of the sewage works.

SECTION 1107. The Board may revoke any industrial wastewater discharge permit or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this law is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contaminations or pollution as defined in this law. Any person notified of a suspension of the wastewater treatment services and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediately severance of the sewer connection to prevent or minimize damage to the POTW system or endangerment to any individuals.

SECTION 1108. The remedies under this article may be used singly, concurrently and sequentially in any combination and the use of one remedy shall not exclude the exercise of any other remedy hereunder.

ARTICLE XII

Conflict with Local Laws

SECTION 1201. All local laws or parts of local laws in conflict wherewith are hereby repealed.

SECTION 1202. If any clause, sentence, paragraph, subdivision, section or other part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement, decree or other shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part hereof, directly involved in the controversy in which such judgement, decree or order shall have been rendered, and to this end the provisions of each section of this local law are hereby declared to be severable.

ARTICLE XIII

Local Law in Force

SECTION 1301. This Local Law shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

Approved by Legislature: 5/13/83 R/C Vote: 24 Yes; 1 Absent

Public Hearing: 5/27/83

Adopted as Local Law 3-83