

# Agenda

## Public Facilities Committee

**May 19, 2025, 4:00 p.m., Legislative Chambers**

### **Livestreamed on YouTube**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (4/14/25)
- C. Privilege of the Floor
- 1. Renew and Amend Resolution 179-24 – Authorize Agreement with NY State DOT for Performance of Project PIN 5764.99
- 2. Local Law Intro 2-25 – A Local Law Regulating the use of Public and Private Sewers and Drains in Sewer Districts Established by the County of Chautauqua
- 3. Proposed Resolution – Confirm Appointment – Parks Commission
- 4. Proposed Resolution – Amend 2025 Budget for Repairs to and Replacement of Fire Damaged Equipment Environment - Landfill
- 5. Proposed Resolution – Authorize Extension of Lease Agreement with Town of Chautauqua for Office Space for Chautauqua County Department of Mental Hygiene
- 6. Proposed Resolution – Authorize Renewal of Lease Agreement with Jamestown’s Rental Properties, LLC for Office Space at 333 East 5<sup>th</sup> Street in Jamestown, New York
- 7. Proposed Resolution – Authorize Lease Agreement with Jamestown’s Rental Properties, LLC for Office Space for the Jamestown DMV
- 8. Proposed Resolution – Authorize Public Hearing on Ground Lease with The Aerie JHW LLC at Chautauqua County Airport Jamestown
- 9. Other –  
Presentation – Jail Needs Study

**\*RENEW AND AMEND\***  
**CHAUTAUQUA COUNTY**  
**RESOLUTION NO. 179-24**

**TITLE:** Authorize Agreement with NY State DOT for Performance of Project  
PIN 5764.99

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, a Project for the Replacement of the Central Avenue bridge, County Bridge 382 over Crooked Brook in the City of Dunkirk, Chautauqua County, PIN 5764.99 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$561,335 to be borne at the ratio of 100% State Bridge NY funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Project PIN 5764.99 cost; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the Project; and be it further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Project cost or portions thereof; and be it further

RESOLVED, That in the event the Project cost exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, That pursuant to the State's requirement, the County of Chautauqua hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs within appropriations therefore that are not so eligible; and be it further

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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**Date**

*Resolution No. 179-24 Originally Adopted – June 26, 2024 (Unanimously Carried)*

*(2/26/25 Leg – Renewed & Amended (Unanimously Carried)*

*(Potential changes to be renewed and amended at the May 28, 2025 Legislature Meeting are shown by strikethrough and new text in bold)*

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program \$561,335

~~INCREASE CAPITAL REVENUE ACCOUNT:~~

~~D.5112.389.R458.9002 Federal Aid – Surface Transp Program \$561,335~~

**INCREASE CAPITAL REVENUE ACCOUNT:**

**D.5112.389.R359.7000 State Aid – Transp Capital \$561,335**

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

*Resolution No. 179-24 Originally Adopted – June 26, 2024 (Unanimously Carried)*

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LOCAL LAW  
INTRODUCTORY NO. 2-25  
CHAUTAUQUA COUNTY

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND  
DRAINS IN SEWER DISTRICTS ESTABLISHED BY THE COUNTY OF CHAUTAUQUA

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

**ARTICLE 1**  
**SHORT TITLE, TABLE OF CONTENTS, PURPOSE AND APPLICABILITY**

**Section 101 – Short Title**

For brevity and ease of communication, this Law may be cited as the County Sewer Use Law.

**Section 102 – Table of Contents**

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### **Section 103 – General Purpose**

The general purpose of this Law is to provide for efficient, economic, environmentally safe, and legal operation of the POTWs established, existing and used by sewer districts of the County of Chautauqua.

### **Section 104 – Specific Purposes**

The specific purposes of the Law are:

- 1) To prevent the introduction of substances into the POTW that will:
  - a) interfere with the POTW in any way;
  - b) Pass Through the POTW to the Waters of the State and cause contravention of standards for those waters or cause violation of a POTW's SPDES permit;
  - c) increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals;
  - d) endanger district or municipal employees;
  - e) cause air pollution or groundwater pollution, directly or indirectly; or
  - f) cause, directly or indirectly, any Nuisance condition.
- 2) To prevent new sources of Infiltration and Inflow and, as much as possible, eliminate existing sources of Infiltration and Inflow.
- 3) To assure that new sewers and connections are properly constructed.
- 4) To provide for equitable distribution to all Users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.
- 5) To enable a District to comply with its National Pollutant Discharge Elimination System permit issued pursuant to the Clean Water Act (33 U.S.C. 1251, et seq.), sludge disposal requirements, and other Federal and State requirements.



### **Section 105 – Applicability**

This Law shall apply to all areas and Users within the Districts as well as all areas and Users generating sewage which is treated by the POTW Treatment Plant including, but not limited to, areas outside District bounds which convey Wastewater to the District POTW by pipe or truck. All prior County sewer use ordinances are repealed and replaced by this County Sewer Use Law as of the effective date of this Law.

This Local Law was approved by the:

NCISD No. 1 Board on 2025

NCLSD Board on 2025

PPDSD Board on 2025

SCCLSD Board on 2025

City of Dunkirk (NCISD No. 1 Treatment Provider) on 2025

Village of Fredonia (PPDSD Treatment Provider) on 2025

### **Section 106 – Variances**

The District Board may grant a written variance from this law, for such duration and on such terms and conditions as the Board deems appropriate, provided such variance will not cause undue harm or extra cost to the District, and provided it will not result in a violation of any law, rule or regulation, including without limitation the sewer use ordinance of the entity treating the District's sewage.

### **Section 107 – Referenced Documents**

Unless otherwise stated, all documents, specifications, and standards referenced herein shall mean documents, specifications and standards as the same may be amended or superseded from time to time.

### **Section 108 – Benefit for Districts**

All inspections, reviews, authorizations, Permits, licenses, and approvals performed or granted hereunder by District personnel, County staff and/or their designees are for the benefit of the District, and: (1) shall not be relied upon, or deemed to be for the benefit of, an Applicant, a property owner, or any other Person; (2) shall not be relied upon as an indication that the submitted information is appropriate, sufficient or effective, or that it complies with Federal or State requirements; and (3) shall in no way relieve a User or other Person from its responsibilities hereunder or under any other law, rule or regulation.

### **Section 109 – Conformance with Federal, State and Local Laws, Rules and Regulations**

Federal, State and Local laws, rules and regulations (Legal Requirements) change from time to time. In the event a provision of this document is in direct conflict with any current or future Legal Requirement, including without limitation a requirement of the New York State Pretreatment Streamlining Rule, 40 CFR Subchapter N Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, this document shall be deemed to include the stricter of the Legal Requirements.

## **ARTICLE 2 DEFINITIONS**

### **Section 201 – Defined Terms**

Some of the terms used in this law are defined below. When the definition or use of a term is in question, it should be interpreted consistent with the Clean Water Act or regulations or guidance adopted pursuant thereto. Terms that are not defined are to be read according to their common meaning.

When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Ammonia** – The results obtained, using an Approved Laboratory Procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

**Applicant** – That Person who makes application for any Permit. The applicant may be an owner, new or old, or the owner's agent.

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

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

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

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

**Building Lateral** – The sewer extension from the Building Drain to the public sewer mainline, manhole or District-owned vacuum valve or grinder pump, including all Wastewater system components which are not part of the Public Sewer.

**Categorical Standard, Categorical Pretreatment Standard, or National Categorical Pretreatment Standard** – Any regulation or guideline containing pollutant discharge limits promulgated by the EPA pursuant to the Clean Water Act which applies to a specific category of Users. These standards apply at the end of the categorical process.

**Chemical Oxygen Demand** – The result obtained when using an Approved Laboratory Procedure to measure the oxygen requirement of that portion of matter, in a sample, that is

susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter. Biochemical Oxygen Demand (BOD) is the quantity of oxygen utilized in a biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20° C. The laboratory determinations shall be made in accordance with the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the examination of Water, Sewage, and Industrial Wastes* published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. Carbonaceous BOD (CBOD) is a subset of BOD which measures dissolved oxygen depletion from only carbonaceous sources.

**Chlorine Demand** – The results obtained when using an Approved Laboratory Procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

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

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

**Control Authority** – The USEPA, or in the event the NYSDEC is delegated approval authority responsibility by the USEPA, the NYSDEC, or to the Director or the Director's designee when a District has an approved Pretreatment program under the provisions of 40 CFR §403.11.

**Control Manhole** – A manhole accessible to the Control Authority on or upstream of the Street Lateral, such that samples collected from the manhole represent the discharge to the POTW.

**Conventional Pollutant** – A Pollutant that the POTW Treatment Plant is designed to treat, defined in accordance with the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.

**Cooling Water** – The water discharge from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce Chemical Oxygen Demand or Suspended Solids in excess of five (5) milligrams per liter, or Toxic Substance, as limited elsewhere in this Law.

**County** – Chautauqua County, New York.

**Developer** – Any Person who obtains or develops land for the purpose of constructing, or causing to be constructed, buildings for which Wastewater disposal facilities are required.

**Direct Discharge** – The discharge of treated or untreated Wastewater directly to the Waters of the State. (for reference, see Indirect Discharge).

**Director** –The administrative director of a District or the director’s representative. The specific director referenced shall be determined contextually by the geographical location of the matter to which this law is applied. If a District does not have a Director, references to Director shall be deemed to mean the individual designated by contract or otherwise to perform duties a director would perform or, if none, the Board Chair.

**District(s)** – Sewer districts established by the County of Chautauqua pursuant to Article 5A of the County Law of the State of New York, including the North Chautauqua Lake Sewer District, the South Chautauqua Lake Sewer District, the Center Chautauqua Lake Sewer District, the Portland Pomfret Dunkirk Sewer District, and the North County Industrial Sewer District No. 1 or, as contextually appropriate, the Service Areas of the POTWs.

**Domestic Waste** – Liquid waste from the non-commercial preparation, cooking, and handling of food, liquid waste containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, Industrial buildings, and institutions, or liquid waste from clothes washing and/or floor/wall washing.

**Dry Sewers** – The sanitary sewer installed in anticipation of future connection to a POTW, but which is not used, in the meantime, for transport of Storm Water or Sanitary Sewage.

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

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

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

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

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

**Industrial User** – A discharger to the POTW who discharges waste other than Domestic Waste.

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

**Infiltration** – Water, other than Wastewater, that enters a sewer system (excluding Building Drains) from the ground through such means as defective pipes, pipe joints, connections, or

manholes. Infiltration does not include, and is distinguished from, Inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

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

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

- 1) Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and
- 2) Therefore, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):
  - a) Section 405 of the Clean Water Act, Disposal of Sewage Sludge (see 40 C.F.R. Part 503, 33 U.S.C. §1345);
  - b) The Solid Waste Disposal Act (SWDA) as amended by the Resource Conservation and Recovery Act-RCRA, 42 U.S.C §6901 et. seq.), including regulations adopted pursuant thereto (40 CFR Part 503), and regulations contained in any State biosolid or sludge management plan prepared pursuant to SWDA/RCRA);
  - c) The Clean Air Act (42 U.S.C. Ch. 85 §7401 et. seq.);
  - d) The Toxic Substance Control Act (15 U.S.C. §2601 et. seq.); or
  - e) The Marine Protection Research and Sanctuaries Act (33 U.S.C. §1401 et. seq.) .

**New Source** – Any source from which there is or may be a discharge of pollutants, the construction of which commenced after promulgation of standards of performance under Section 306 of the Clean Water Act which are applicable to such source, or after proposal of standards of performance in accordance with §306 of Clean Water Act (33 U.S.C. §1316 – National Standards of Performance) which are applicable to such source, but only if the standards are promulgated in accordance with §306 within 120 days of their proposal after the publication of proposed regulations prescribing a §307 (C) (33 U.S.C. §1317, 40 CFR) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

**Normal Sewage** – Sewage, Industrial Wastes, or other wastes which demonstrate, by analysis, the following characteristics:

- 1) B.O.D. (Five Day) – 2090 lbs. per million gallons (250 milligrams per liter), or less;
- 2) Suspended Solids – 2500 lbs. per million gallons (300 milligrams per liter), or less;
- 3) Total Phosphorus – 42 lbs. per million gallons (5 milligrams per liter), or less;
- 4) Ammonia – 250 lbs. per million gallons (30 milligrams per liter), or less;
- 5) Total Kjeldahl Nitrogen – 417 Lbs. per million (50 milligrams per liter), or less;
- 6) Chlorine Demand – 209 lbs. per million gallons (25 milligrams per liter), or less;

- 7) Chemical Oxygen Demand – 2920 lbs. per million gallons (350 milligrams per liter), or less;
- 8) Oil and Grease – 830 lbs. per million gallons (100 milligrams per liter), or less; and
- 9) Ultimate Oxygen Demand – 5004 lbs. per million gallons (600 milligrams per liter), or less.

If any sewage contains compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment or which has the potential to be detrimental to POTW personnel or operations, the Director may deem such sewage to fall outside the definition of Normal Sewage.

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

**Other Wastes** – Garbage (shredded or un-shredded), refuse, woods, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or Industrial Wastes.

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

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

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

**Pollutant** – Any material which, if placed into or onto the Waters of the State, lands, and/or airs, would interfere with the beneficial use of that water, land, and/or air by any living thing at any time.

**Pretreatment** – The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR §403.6 (d) (National Pretreatment Standards: Categorical Standards).

**Pretreatment Standard or National Pretreatment Standard** – Any Categorical Standard or Pretreatment standard imposed by the District.

**POTW** – a Publicly Owned Treatment Works, as defined by §212 of the Clean Water Act, (33 U.S.C. §1292-Definitions). This definition includes any sewers and appurtenances that

transport Wastewater to the POTW Treatment Plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment. When sewage passing through a District's POTW is treated by a non-District POTW Treatment Plant, the requirements of the treating POTW are included within this definition for purposes of such District.

**Priority Pollutants** – The most recently revised or updated list, developed by the EPA, in accordance with the Clean Water Act (see 40 CFR Part 423, Appendix A).

**Public Sewer** – sewer infrastructure owned by a District including without limitation Treatment Plant components, sewer lines, vacuum valves, grinder pumps and manholes.

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

**Sanitary Sewage** – Liquid waste from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from Storm Water, surface water, Industrial, and Other Waste. (See Domestic Waste).

**Septage** – All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also, sludge from small sewage Treatment Plants. Septage shall not have been contaminated with compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment, Priority Pollutants, or substances deemed by the Director to be of concern with respect to POTW personnel or operations.

**Service Area Of The POTW** – The legally defined bounds of real property from which Wastewater may be discharged into the POTW.

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

**Sewage System** – All facilities for collection, regulating, pumping, and transporting Wastewater to and away from the POTW Treatment Plant.

**Significant Industrial User** – A User of the District's POTW which is:

- 1) Subject to National Categorical Pretreatment Standards promulgated by the EPA;
- 2) Having substantial impact, either singly or in combination with other industries, on the operation of the POTW;
- 3) Using, on an annual basis, more than 10,000 lbs. or 1,000 gallons of raw material containing Priority Pollutants and/or Substances of Concern and discharging a measurable quantity of these Pollutants to the sewer system; and/or
- 4) Discharging more than five percent (5%) of the flow or load of Conventional Pollutants received by the POTW Treatment Plant.

A User discharging a measurable quantity of a Pollutant may, in the District's sole discretion, be classified as non-significant if, at the influent to the POTW Treatment Plant, the quantity of Pollutant from all Users is not detectable. Any such non-significant classification is subject to change at any time.

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

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

**Standard Methods** – Procedures contained in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, procedures established by the Regional Administrator of the United States Environmental Protection Agency, (USEPA), Region 2 (the Administrator), pursuant to §304(g) (33 U.S.C. §1314) of the Clean Water Act and contained in 40 CFR, Part 136, and amendments thereto. If 40 CFR, Part 136 does not include a sampling of analytical technique for the Pollutant in question, then procedures set forth in EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto shall be used, or any other procedures approved by the Administrator, or any other procedure approved by the Director, whichever is the most conservative.

**State** – State of New York.

**Storm Sewer (Storm Drain)** – A sewer which carries Storm Water, surface water, ground water and drainage, but excludes Sewage and Industrial Wastes.

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

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

**Suspended Solids** – The result obtained when an Approved Laboratory Procedure is used to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settle-able, and can be removed from the sample by filtration, expressed in milligrams per liter.

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



determination measures the total concentration of the undigested portion of the nitrogenous organic solids.

**Total Phosphorus** – The result obtained when an Approved Laboratory Procedure is used to determine the total quantity of orthophosphate, in a sample of Wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

**Toxic Substance** – Any substance, whether gaseous, liquid, or solid, that when discharged to a Public Sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tends to interfere with any biological sewage treatment process or to constitute a hazard to recreation in the Receiving Waters, due to the effluent from a sewage Treatment Plant or overflow point. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

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

**Ultimate Oxygen Demand** – (One and One-Half (1 1/2) times CBOD<sub>5</sub>) + (Four and One-Half (4 1/2) times TKN). See Definition of Chemical Oxygen Demand.

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

**User** – Any Person who contributes, causes, or permits the contribution of Wastewater into the POTW, or is required by this Law to do so.

**Volume Charge** – the demand sewer use charge which is based, in part or whole, on the volume of Normal Sewage discharged into the POTW. There may be surcharges as provided for in Article 12. The specific charge shall be subject to approval by the District's Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and/or for funding of capital projects, of the POTW.

**Wastewater** – The liquid and water-carried Industrial or Domestic Waste emanating from dwellings, commercial establishments, Industrial facilities, and institutions, together with any groundwater, surface water, and Storm Water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

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

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

## **Section 202 – Abbreviations**

The following abbreviations shall have the designated meanings:

ACP		Asbestos Cement Pipe
ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CIP		Cast Iron Pipe
CPLR	-	Code of Public Law and Rules
CTS		Copper Tube Size
DIP		Ductile Iron Pipe
DR		Dimension Ratio
EPA	-	United States Environmental Protection Agency
IPS		Iron Pipe Size
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NEC		National Electric Code
NEMA		National Electrical Manufacturers' Association
NYSDEC	-	New York State Department of Environmental Conservation
NYSDOH	-	New York State Department of Health
P	-	Total Phosphorus
PC		Pressure Class
PSI	-	Pounds per Square Inch
PVC		Polyvinyl Chloride
RCP		Reinforced Concrete Pipe
SCH		Schedule
SDR		Standard Dimension Ratio
SPDES		State Pollutant Discharge Elimination System
TKN	-	Total Kjeldahl Nitrogen
U.S.C.	-	United States Code
USEPA	-	United States Environmental Protection Agency

## **ARTICLE 3 USE OF PUBLIC SEWERS REQUIRED**

### **Section 301 – Waste Disposal Unlawful**

It shall be unlawful for any Person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Districts or in any area under the jurisdiction of the Districts, any human or animal excrement, garbage, or objectionable waste. Also, no Person shall discharge Domestic Waste onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

### **Section 302 – Connecting Private Sewage System to Storm Sewer Unlawful**

No Person shall connect a private Sewage system so that Sewage flows into a storm sewer or into a drain intended exclusively for Storm Water.

**Section 303 – Discharge of Sewage into Well Prohibited**

No Person shall discharge Sewage into a well.

**Section 304 – Wastewater Discharge Unlawful**

It shall be unlawful to cause a Direct Discharge of Wastewater, Sewage, or Polluted waters, whether or not combined with Storm Water, within a District or in any area under the jurisdiction of a District, except where suitable treatment has been provided in accordance with this Law.

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

No property owner, Builder, Developer or other Person shall be issued a building permit for a new dwelling or structure requiring sanitary facilities, or for modification of a structure in such a manner as to newly require sanitary facilities, unless a suitable and approved method of Wastewater disposal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers.

**Section 306 – Private Wastewater Disposal Unlawful**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of Wastewater.

**Section 307 – Connection to Public Sewer Required**

The owner(s) of any real property which generates Wastewater or Sewage and which abuts on any street, alley or right-of-way in which a Public Sewer is located is required, at the owner's expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper Public Sewer, in accordance with the provisions of this Law, within ninety (90) days after the date of official notice to do so or within such additional time as may be granted by the Director for good cause shown. Any such extension which exceeds twelve (12) months shall be reviewed annually by the administrative head or body of the District.

Notwithstanding the above, this section shall not apply to the extent the Chautauqua County Health Department and the District Director grant an exemption due to unusually difficult site conditions. Any such exemption will remain in effect until such time as the District Director or the Chautauqua County Health Department determine, in their sole discretion, that notwithstanding difficult site conditions, connection is warranted in furtherance of public and/or environmental health.

Such connection to public sewer may require the installation of a grinder pump and appurtenances or a vacuum valve and appurtenances. All required infrastructure shall be installed at the owner's expense.

Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

**Section 308 – Limitation on use of Public Sewers**

Except as otherwise provided in this Article, the use of Public Sewers shall be strictly limited and restricted, except as otherwise provided in this Article, to receipt and acceptance of the discharge of Sewage and Other Waste, including Industrial Wastes, generated on, or discharged from real property within the bounds of the Service Area of the POTW.

### **Section 309 – Wastewater From Outside the POTW Service Area – Inter-Municipal Agreements**

The Board, on the recommendation of the Director and with the approval of the County, shall have the authority to enter into agreements to accept sewage and Other Wastes, including Industrial Wastes, generated by or discharged from a Person outside the Service Area of the POTW.

If the Person is a municipality, that municipality shall have enacted a sewer use law at least as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law. If the Person is not a municipality, the acceptance shall be made only with the express written consent of the Director via the issuance of a permit setting forth the terms and conditions of such acceptance.

Any out of service-area Person granted such use shall be deemed to be bound by all provisions of this Law.

### **Section 310 – Moratorium**

Upon determination by the Director that: one or more segments of the POTW is exceeding or close to exceeding the hydraulic capacity at any time; and/or any specific purpose of this Law is being violated, the Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

- 1) Construction of new facilities;
- 2) Enlargement of existing facilities;
- 3) Correction of Inflow and Infiltration; and/or
- 4) Cleaning and/or repairing of existing facilities.

### **Section 311 – Basis of Sewer Use Requirement**

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

## **ARTICLE 4 PRIVATE WASTEWATER DISPOSAL**

### **Section 401 – Public Sewer Unavailable – Private Wastewater Disposal Required**

Where a Public Sewer is not available or a connection is not required pursuant to Article 3, Wastewater shall be disposed of in a private Wastewater disposal system complying with the provisions of the Sanitary Code of Chautauqua County Health District, to be enforced by the Chautauqua County Health Department.

### **Section 402 – Direct Connection to New Public Sewers Required**

At such time as Public Sewer service becomes available to a property served by a private onsite Wastewater treatment system, a direct connection shall be made to the Public Sewer in accordance with this Law. Connection shall be completed within six (6) months of the date of issuance of official notice of service availability. Within that timeframe any septic tanks, cesspools, and similar private onsite Wastewater treatment systems shall be cleaned of Septage by a duly qualified septic hauler. Motorized components must be removed and disposed of in accordance with local ordinances. If possible, tanks may be cleaned and removed. Any and all remaining tanks must be compromised, such that they can no longer hold water, and filled with clean sand, bank-run gravel, or removed and properly disposed. When the connection is made to the Public Sewer, the connection to the private onsite Wastewater treatment system shall be broken and both ends of the break shall be plugged, as appropriate. All work in this Section shall be performed at the owner's expense.

### **Section 403 – Additional Requirements**

No statement contained in this Article shall be construed to prevent or interfere with any additional or more stringent requirements that may be imposed by a health officer or board of the State of New York, the County of Chautauqua, or a local municipal government.

District customers whose sewage will, ultimately, be treated by a third party, which may include without limitation treatment by the City of Dunkirk, the Village of Fredonia or the Chautauqua Utility District, may be subject to additional requirements and restrictions of such third parties, and new, non-residential customers should secure such third parties' approval prior to applying to connect to the District.

By applying for a District permit, license, or other User-specific authorization under this Law, the Applicant acknowledges and agrees that the District may condition, modify, decline to renew, revoke, or suspend a permit, license or authorization at any time, when deemed by the Director to be in the best interest of the District due to a lack of insurance, a violation of a term in the permit, license or authorization, a violation of the Law, Treatment Plant concerns, or for other reasons. Any permit, license or authorization granted pursuant to this Law is non-transferrable unless the document specifically states otherwise.

## **ARTICLE 5 NEW SEWERS or SEWER EXTENSIONS**

The Director may modify the specifications and requirements in Article 5 of this Law provided such modification will result in superior infrastructure or additional protection for the District.

### **Section 501 – Proper Design**

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

anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

If, however, there is inadequate capacity in the sewer infrastructure which would convey the Wastewater or if there is insufficient capacity in the POTW Treatment Plant to treat the Wastewater properly, the application shall be denied. Sewer line and POTW Treatment Plant current capacity shall be defined as the present use and the unitized use which has been committed, by resolution, to other Users by the District Board.

#### **Section 502 A – New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting**

When a property owner, Builder, Developer or other Person proposes to construct sanitary sewers or extensions to sanitary sewers within District bounds or connecting to District infrastructure, the plans, specifications, and method of installation shall be subject to the approval of the Director and the Chautauqua County Health Department, in accordance with this Article. Said property owner, Builder, Developer or other Person shall pay for the entire installation, and, as is the case with existing Users, shall pay a proportionate share of the Treatment Plant, intercepting or trunk sewers, pumping stations, force mains, and all other District infrastructure and expenses incidental thereto. Each Street Lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the Applicant prior to initiating construction. The installation of the sewer shall be subject to periodic inspection by the Director, without prior notice. The Director shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the Infiltration test (or the exfiltration test, with prior written approval), required in Section 505 A, before any Building Lateral is connected thereto. The Director shall be notified thirty (30) days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Board until such construction inspections have been made so as to assure the District of compliance with this Law and any amendments or additions thereto. The Director has the authority to require such excavation as is necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected, so as to permit inspection of the construction. The Director shall report all findings of inspections and tests to the Board.

#### **Section 502 B – Plans, Specifications, and Pipe Test Result Required**

Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of Wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains, shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Additional force main details are included in Section 506. When requested, the Applicant shall submit to the Director and to the Chautauqua County Health Department all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

#### **Section 503 A – Sewer Pipe Specifications**

- 1) Sewer pipe material shall be in conformance with the Plumbing Code of New York State.
- 2) Other pipe materials require prior written approval of the Director before being installed.
- 3) The minimum internal pipe diameter shall be eight (8) inches for gravity sewers and two (2) inches for low pressure sewers.
- 4) Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are used.
- 5) Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled join, such that the requirements of Section 505 are met.
- 6) Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.
- 7) Wye branch fittings, as approved by the Director, shall be installed, for connection to Street Laterals, in accordance with Section 606.

### **Section 503 B – Safety and Load Factors**

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

- Safety Factor – 1.5
- Load Factor - 1.7
- Weight of Soil – 120 lbs./cu. ft.
- Wheel loading – 16,000 lbs.

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

### **Section 503 C – Sewer Pipe Installation**

- 1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is a minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.
- 2) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles and posts. Any tree which will not hinder construction shall not be removed and shall be protected from damage by construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.
- 3) The public shall be protected from personal and property damage as a result of the construction work.
- 4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

- 5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be affected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.
- 6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods approved by the Director, before trench excavation is initiated.
- 7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.
- 8) Open trenches shall be protected at all hours of the day with barricades, as required.
- 9) Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Director. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.
- 10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.
- 11) All pipe shall be installed at a minimum depth of 48" to top of pipe
- 12) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.
- 13) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.
- 14) No structure shall be undercut unless specifically approved by the Director.
- 15) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.
- 16) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown and no higher than one foot below final grade, and left in the trench, during backfill operations.
- 17) The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run maximum 1/2-inch diameter stone free of organic material. This foundation shall be firmly tamped in the excavation.
- 18) Bell holes shall be hand excavated, as appropriate.
- 19) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.
- 20) Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.
- 21) The joins, grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. Alternative procedures may be



employed only with prior written approval by the Director of both the need for alternative procedures, and the plans. Plans may include bending the pipe barrel, deflecting the joint, or using special fittings.

- 22) When a smaller sewer pipe joins a larger one, the invert of the larger pipe shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.
- 23) Crushed stone shall be placed over the laid pipe to a depth of at least (6) inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D2321 using class 1A or 1B backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.
- 24) The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.
- 25) The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95% of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or other frozen material shall not be used for backfill.

#### **Section 503 D – Cleanout Installation**

- 1) Cleanouts for low pressure sewers shall be placed at intervals of approximately 400 to 500 feet; at major changes of direction; where one collection main joins another main; and at the upstream end of each main branch.
- 2) The design of the cleanouts shall be as approved by the Director.
- 3) Cleanouts may be used only for special conditions and shall not be substituted for manholes nor installed at the end of laterals greater than 150 feet in length.

#### **Section 504 - Manhole Installation**

- 1) The design of all manholes shall be submitted to the Director. Manholes shall not be installed until the Director has provided written approval as to manhole placement.
- 2) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet except as authorized in writing by the Director. Lesser maximum manhole spacing may be required as a condition of approval of a sewer extension.
- 3) Manhole bases shall be constructed or placed on a minimum of six (6) inches of crusher run, maximum ½ inch stone, free of organic materials.
- 4) Manhole bases shall be constructed of 4,000 psi (28 day) concrete 8 inches thick, or shall be precast bases properly bedded in the excavation by level installation on a flat, stable subgrade. Where an unstable condition exists, the unstable materials shall be excavated and replaced with compacted granular material. Field constructed bases shall be monolithic, properly reinforced, and extend at least six (6) inches beyond the outside walls of lower manhole sections. Precast manhole bases shall extend at least six (6) inches beyond the outside walls of lower manhole sections. Manhole walls shall be constructed using precast minimum four (4) foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478, with the following exceptions on wall thickness:

Manhole Diameter (Feet)	Wall Thickness (Inches)
c) 4	d) 5
e) 5	f) 6
g) 6	h) 7
i) 6 ½	j) 7 ½
k) 7	l) 8
m) 8	n) 9

All sections shall be cast solid, without lifting holes.

Flat top slabs shall be a minimum of eight (8) inches thick and shall be capable of supporting an H-20 loading.

- 5) All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.
- 6) All joints shall be sealed against Infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.
- 7) No holes shall be cut into the manhole sections closer than six (6) inches from joint surfaces.
- 8) Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.
- 9) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade. 12) When located in a traveled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be twenty-four (24) inches, minimum, in diameter. The minimum combined weight of the light duty frame and thirty-six (36) inch cover shall be 420+/-5% lbs. The mating surfaces shall be machined and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that Infiltration is prevented.
- 10) A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on all junction manholes and on manholes with bends greater than 45 degrees.
- 11) Inverts and shelves/benches shall be placed after testing the manholes and sewers.
- 12) Benches shall be level and slope to the flow channel at about 1 inch per foot.
- 13) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.
- 14) Manhole frames, installed at grade, shall be set in a full bed of mortar with no fewer than two (2) nor more than four (4) concrete rings or courses of brick, as approved by the Director, underneath, to allow for later elevation adjustment. In lieu of concrete or brick, grade rings may be used for elevation adjustment. Grade rings shall not exceed six (6) inches in depth. The total number of grade rings shall not exceed twelve (12) inches in height, however, in no event shall more than three (3) grade rings be used.

- 15) Manholes which extend above grade shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six (6) ½ inch corrosion resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.
- 16) Internal drop pipes and fittings shall be PVC plastic sewer pipe in compliance with ASTM D2241. Corrosion resistant anchors shall be used to attach the drop pipe to the inside surface of the manhole barrel.

#### **Section 505 A – Infiltration/Exfiltration Testing**

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final Infiltration test before they will be approved and Wastewater flow permitted by the District. The Infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches.

An exfiltration test may be substituted for the Infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the Applicant under the supervision of an engineer licensed in the State of New York. The engineer shall make proper and accurate measurements and shall provide final, written certification to the District. The exfiltration test consists of filling the pipe with water to provide a head of a least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under tests, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed ten (10) feet of fill to within six (6) inches of the top of the downstream manhole. Should this condition prevail, the testing methods in Section 505F and/or 505G shall be utilized. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

#### **Section 505 B – Test Section**

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

#### **Section 505 C – Test Period**

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

#### **Section 505 D – Pipe testing**

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

**Section 505 E – Deflection Testing**

Also prior to testing, all plastic pipe in the test section shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95 percent of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than five (5) percent shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device.

**Section 505 F – Low Pressure Air Testing Alternative**

In lieu of hydrostatic testing (exfiltration or Infiltration), low pressure air testing may be employed. Low pressure air tests shall conform to ASTM Specification C-828 for clay pipe, ASTM C-924 for concrete pipe, and ASTM F-1417 for plastic pipe. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately 4.0 PSIG. The air pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSIG to 2.5 PSIG. Acceptance is based on limits tabulated in Table I in the Uni-Bell PVC Pipe Association “Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe”. Before pressure is applied to the line, all connections shall be firmly plugged.

Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased by an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 PSI, or a lower pressure as required by the Director.

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

**Section 505 G –Vacuum Testing Alternative**

In lieu of hydrostatic testing (exfiltration and Infiltration), vacuum testing may be employed for testing of sewer lines and manholes. Sewer lines and manholes shall be tested separately. All sewer lines to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The vacuum test shall be based on the time, measured in seconds, for the vacuum to decrease from ten (10) inches of mercury to nine (9) inches of mercury for manholes, and from seven (7) inches of mercury to six (6) inches of mercury for sewer lines.

Acceptance of manholes is based on the following:

Manhole Depth	Manhole Diameter	Time to Drop 1 Inch Hg (10” to 9”)
Under 10 foot	4 feet	120 seconds
10 to 15 feet	4 feet	150 seconds
More than 15 feet, up to 25 feet	4 feet	180 seconds

For five (5) foot diameter manholes, add 30 seconds to the above times. For six (6) foot diameter manholes, add 60 seconds to the above times.

If the test on the manhole fails (the time is less than that tabulated above), necessary repairs shall be made and the vacuum test repeated until the manhole passes the test.

Acceptance of sewers line testing (7" Hg to 6" Hg) is based on the time tabulated in Table II in the Uni-Bell PVC Pipe Association "Recommended Practice for Low Pressure Air Testing of Installed Sewer Pipe."

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

#### **Section 506 A – Force Mains**

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

- 1) Force main pipe material shall be in conformance with the Plumbing Code of New York State, with such modifications as the Director may specifically authorize or request in writing.
- 2) Trenching, bedding, and backfilling shall be in accordance with Article 5.
- 3) Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.
- 4) Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change in direction of 7 ½ degrees or greater.
- 5) Automatic air relief valves shall be placed at high points.
- 6) Air relief and drain valves shall be suitably protected from freezing.
- 7) When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the existing line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

#### **Section 506 B – Force Main Testing**

All force mains shall be subjected to hydrostatic pressure of 150 percent of the normal operating pressure. The duration of the test, at pressure, shall be at least two (2) hours. Before conducting the test, the pipe shall be filled with water and all air shall be expelled. During the test, water shall be added, as needed, to maintain the test pressure. The amount of water added shall be recorded so as to calculate leakage. Leakage shall not exceed 25 gallons per day per mile per inch nominal pipe diameter. During the test, the owner and the Director shall walk the route of the force main and examine the exposed pipe, and the ground covering any backfilled pipe, to discover leaks. Leakage in excess of that specified above shall be corrected with new material at the owner's expense, and the test repeated. Any observed leaks shall be repaired at the owner's expense. Each test section length shall be as approved by the Director, but in no event longer than 1,000 feet.

#### **Section 507 – Final Acceptance and Warranty/Surety**

All sanitary sewers and extensions to sanitary sewers constructed at the Applicant's expense, after final approval and acceptance by the Director, and concurrence by the Board, shall become the property of the District, and shall thereafter be operated and maintained by the District. No sanitary sewer shall be accepted by the District until four (4) copies of as-built

drawings have been filed with the Director and the Director has approved the submitted drawings. Said sewers, after their acceptance by the District, shall be guaranteed against defects in materials and workmanship for eighteen (18) months, by the Applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Board, secured by a surety bond or such other security as the Board may approve.

Prior to the connection of the sewer extension to the Public Sewer, the owner shall provide the District with (a) instruments of transfer of all property rights necessary to operate and maintain the sewer extension with acceptable proof of title in such property, (b) the certification of a licensed professional engineer that the sewer extension was constructed in accordance with the approved plans and specifications, and (c) the guarantee required under this Section of this Law.

#### **Section 508 – Insurance Coverage and Bonding During Construction Period**

Prior to commencing construction work, all Persons performing the work shall file with the District proof of compliance with the then existing “Chautauqua County Minimum Insurance Requirements” for construction and maintenance, unless otherwise approved by the County Law Department. The Board may increase the minimum levels of liability described above, for a particular project or on a universal basis, as deemed appropriate by the Board.

The District may request performance and payment bonds in form and content satisfactory to the Board, each in an amount equal to 100% of the anticipated project cost or such other amount as is requested by the Board. Such bonds shall be provided prior to commencement of construction.

#### **Section 509 – Coordination With Municipalities and Utilities**

Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk, or curbing, permission must be obtained from the public entity having authority over such public way. Persons performing the work are responsible for coordinating with utility companies, as needed.

### **ARTICLE 6**

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

##### **Section 601 A – Permit Required for Sewer Connections**

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

##### **Section 601 B – Inflow/Infiltration Prohibited**

No Person shall discharge or cause to be discharged any Inflow or Infiltration, including without limitation Storm Water, surface water, groundwater, roof runoff, subsurface drainage, Sump Pump discharge, Cooling Water or unpolluted Industrial waters to any sanitary sewer; provided, however, that a District Board may establish a policy for allowing residential

swimming pool connections. Commercial or public swimming pool drains shall not be connected to any sanitary sewer without advance written approval of the Director, and may be subject to special conditions, such as required use of holding tanks and restrictions as to when and how pool water may be discharged to the sewer, as deemed appropriate by the Director. Area drains may not be connected to the sanitary sewer unless they are designed to transmit only Sanitary Sewage and not discharges prohibited by this section.

### **Section 602 – Sewer Lateral Permits**

There shall be two classes of sewer lateral permits:

- 1) For residential, commercial, and institutional service and
- 2) For service to establishments producing Industrial Waste.

In either case, a permit application shall be submitted to the Director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Director. A fee, in accordance with the fee schedule established by the Board, shall accompany the application.

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

### **Section 603 A – New Building Laterals**

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

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

- 1) exposed and totally encapsulated in no fewer than three (3) inches of concrete; or
- 2) exposed and walled, and the building rooms above positively ventilated outdoors.

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

### **Section 603 B – Laterals Serving Multiple Buildings**

When a Building Lateral is to serve multiple structures, which shall be permitted only with the written approval of the Director, the Building Lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment. When metered water use is not available or is deemed by the Director to be inconsistent with actual or potential future needs, the Director shall determine the minimum size of the lateral to be installed.

### **Section 603 C – Laterals Serving Complexes**

When a Building Lateral system is to serve a complex of Industrial, commercial, institutional, recreational, or dwelling structures, special design of the Building Lateral system shall be required. Such lateral system shall be connected to the Public Sewer through a manhole. The Director shall determine if and where this connection to the Public Sewer will take place. If required, a new manhole shall be installed in the Public Sewer pursuant to Sections 504 and

505 and the lateral connection shall be made and tested as directed by the Director. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

#### **Section 603 D – Dry Sewers**

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

#### **Section 604 – Using Existing Building Laterals**

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

#### **Section 605 – Lateral Pipe Materials**

Building and Street Lateral pipe materials shall be in conformance with the Plumbing Code of New York State.

The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Director. For Building Laterals and Street Laterals, the internal pipe diameter shall be no less than four (4) inches and the slope shall be no less than ¼ inch per foot, unless approved by the Director.

#### **Section 606 A – Street Lateral to Public Sewer Connection**

At the point of connection of a Street Lateral to a main sewer, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the Public Sewer. No lateral connection shall be made to the Public Sewer which permits entry of the flow into the Public Sewer from the lateral at a right angle.

The inside diameter of the fittings shall be the same as that of the Street Lateral to which connection is being made.

#### **Section 606 B – Future Connection Locations; As-Built Drawings**

The Street Lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each lot proposed for either immediate or future development. Laterals installed for future development shall be fitted with a standard plug approved for use by the Director. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field-marked with a two (2)-inch by four (4)-inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated. One (1) copy of this drawing, showing the as-built location of these connections, shall be furnished to the Director, along with one (1) copy of the drawing in electronic form. No sanitary sewer shall be accepted by the District until all copies of this record drawing have been filed with the Director and the Director has approved the submitted drawings.

#### **Section 606 C – Special Manhole Requirements**

When any Street Lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of Industrial or commercial buildings, or which, in the opinion of the



Director, will receive Wastewater or Industrial Waste of such volume or character that frequent maintenance of said Building Laterals or Street Lateral is anticipated, such Street Lateral shall be connected to the Public Sewer through a manhole. The Director shall determine if and where this type of connection to the Public Sewer is required. Connections to existing manholes shall be made as directed by the Director. If required, a new manhole shall be installed in the Public Sewer pursuant to Section 504 and 505, and the lateral connection made thereto as directed by the Director.

#### **Section 607 – Laterals At and Near Buildings**

Building Laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The Building Lateral shall enter the basement through the basement wall no fewer than twelve (12) inches above the basement floor. Written Director approval is required for a Building Lateral which will be placed below the basement floor.

The Building Lateral shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of ninety (90) degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. When constructing Building Laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is one hundred fifty (150) feet. The ends of all Building Laterals or Street Laterals which are not connected to the interior plumbing of the building shall be sealed against Infiltration by a suitable stopper, plug, or by another means approved by the Director.

#### **Section 608 – Sewage Lifting**

In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Wastewater carried by such drain shall be lifted by mechanical means and discharged to the Building Lateral, on approval of the Director.

#### **Section 609 – Lateral Pipe Installation**

All excavations required for the installation of a Building Lateral or Street Lateral shall be open trench work unless otherwise approved by the Director. Pipe laying and backfilling, regardless of pipe material used, shall be performed in conformance with the Plumbing Code of New York State, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus fourteen (14) inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four (4) feet. Where it is physically impossible to provide cover of four (4) feet, the depth may be reduced to a minimum of two (2) feet and the pipe shall be insulated, as approved by the Director.

#### **Section 610 A – Watertight Joints**

All joints and connections shall be made watertight.

#### **Section 610 B – Cast Iron Poured Joints**

Poured joints for cast iron pipe shall be firmly packed with oakum or hemp, and the annulus filled with an approved compound not less than one (1) inch deep. The compound shall be run in with a single pouring and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has

been tested and approved. Transition joints between cast iron pipe and other types of pipe shall be made with special adapters and jointing materials approved by the Director. If such joints are hot poured, the jointing materials shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit, nor be soluble in any of the wastes carried by the lateral.

#### **Section 610 C – Cast Iron Push Joints**

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

#### **Section 610 D – PVC Push Joints**

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets in conformance with the Plumbing Code of New York State.

#### **Section 611 – Testing of Laterals**

The Street Lateral, Building Lateral, or the combined lateral shall be tested for Infiltration/exfiltration by

- 1) any full pipe method described in Section 505, or
- 2) a suitable joint method, with the prior written approval of the Director.

#### **Section 612 A – Connection Inspection - Laterals**

The Applicant for the Building Lateral shall notify the Director when the Building Lateral is ready for inspection,

#### **Section 612 B – Trench Inspections**

When trenches are excavated for the laying of Building Lateral pipes, such trenches shall be inspected by the District. Before the trenches are backfilled, the Person performing such work shall notify the District when the laying of the Building Lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the District.

#### **Section 613 – Public Safety Provisions Required; Restoration of Disturbed Areas**

All excavations for constructing Building Laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the permit Applicant shall complete road and shoulder restoration to the satisfaction of the public entity having authority

over such public way. The cost for such final road and shoulder restoration shall be paid by the permit Applicant, as part of the initial or amended project fees.

#### **Section 614 – Exterior Clean-Out**

An exterior clean-out fitting shall be provided for each new or reconstructed Building Lateral at a readily accessible location, preferably just outside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee brought to or above finished grade and be so positioned that sewer cleaning equipment can be inserted therein to clean the Building Lateral. The clean-out diameter shall be no less than the Building Lateral diameter.

#### **Section 615 – Costs Borne by Owner**

All costs associated with the provisions of this Article shall be borne by the property owner unless otherwise clearly and specifically stated or agreed to in writing by the District Board. The property owner shall indemnify the District from any direct or indirect loss or damage that may be directly or indirectly occasioned by the installation of the Building Laterals, connections and appurtenances.

#### **Section 616 – Fixtures and Area Drains Subject to Backflow**

Where fixture or area drains are subject to backflow from the Public Sewer:

- 1) accessible backflow valves shall be installed and maintained by the property owner, at the property owner's expense, in a) the drains of such fixtures; or b) the branch drains of such area drains; or
- 2) the property owner may, at the property owner's expense, install an accessible gate valve in the Building Drain at its point of entry inside the building, and downstream from any building trap. Nothing in this section shall be construed to permit area drains which are prohibited elsewhere in this Law.

#### **Section 617 – Design of Backflow Valves**

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

### **ARTICLE 7 INFLOW**

#### **Section 701 – New Inflow Sources Prohibited**

No connections shall be made to a sanitary sewer or to a combined sanitary and Storm Water sewer which connections are intended to discharge Inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, garage drains, Sump Pumps, yard drains, downspouts, catch basins, uncontaminated Cooling Water discharges, uncontaminated Industrial waters, or other sources of Inflow, with the exception of swimming pool water authorized pursuant to Section 601 B.

#### **Section 702 – Inflow Inspections and Charges**

No Person shall transfer to any other Person, nor accept from any other Person, the transfer of the title to any property situated in a District and connected to, or required to be connected to,

District infrastructure, unless and until the District Director shall have caused to be performed an Inflow inspection and determined the results of the test, or of corrections performed in response to the test (according to a District-issued permit when correction involves removal of a direct connection to District infrastructure), to be satisfactory. Approval shall be communicated by the Director in the form of a Certificate of Compliance.

The property owner(s) shall request a time of sale inspection by filing an application with the District. A fee, in accordance with the fee schedule established by the Board, shall accompany the application.

If the inspection fails, the District will issue a notice of violation to the property owner(s) describing prohibited discharges. The property owner shall promptly acquire all permits necessary to remedy violations and diligently pursue the necessary remedies. Additional sewage treatment charges shall be assessed consistent with this Law until such time as the violation has been remedied.

The Director may temporarily waive the requirement of a Certificate of Compliance as a prerequisite to transfer of title provided that:

- 1) the waiver is requested no fewer than ten (10) business days prior to the expected transfer, and provided the Director determines that a remedy cannot be performed prior to the transfer due to weather conditions or otherwise.
- 2) The buyer(s) agree(s) to the waiver and further agrees to remedy the violation within ninety (90) days of taking title.

In that event, a condition of the waiver shall be that the property owner(s) establish an escrow account in an amount determined by the Director to reasonably reflect the cost to remedy the violation based on a quote from a qualified contractor, supplied by the property owner, and upon such other information as may be requested or considered by the Director. Charges for treating the additional sewage shall continue until such time as the violation is remedied.

Failure of the buyer(s) to affect the remedy within the time period specified in the waiver shall be deemed to be a violation of this Section and the Law.

This section shall not apply to:

- 1) Transfers in a tax foreclosure action, and transfers to a bank in connection with a bank foreclosure;
- 2) Transfers in connection with a partition action under Article 9 of the Real Property Actions and Proceedings Law;
- 3) Transfers by operation of law, such as by intestate or testamentary succession;
- 4) Transfer of owner-occupied single-family residences between members of an immediate family. Immediate family members include spouses, and also include children, parents, siblings, and their spouses. This exemption does not apply in cases where a real property transfer inspection is requested by a lending agency;
- 5) Transfers made to a former spouse as part of a divorce proceeding; and
- 6) Transfers of undeveloped properties which are not connected to District facilities.

For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Director, sufficient natural drainage is available, connections which contribute Inflow to the sanitary sewers shall be disconnected in a manner approved by the Director, prior to the sale of the property. In all other circumstances the Director shall have the discretion, taking into consideration the best interests of the District and the lack of alternatives to the property owner, to allow an otherwise prohibited Inflow connection. Any such authorization shall be communicated in writing, is subject to revocation at any time, and shall subject the property owner to an additional unit charge and/or to any other charge authorized by the District user charge resolution.

### **Section 703 – No Re-connection of Inflow Source Allowed**

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

### **Section 704 – Charges for Inflow**

The Director is enabled to take whatever action is necessary to determine the amount of Inflow including the requirement for installation of a Control Manhole or meter. The property from which the Inflow originates shall be billed for Inflow (i) in an amount equal to the quarterly charge for a single family residence or (ii) in accordance with the applicable Sewer Use Ordinance; or (iii) according to flow measurements pursuant to Article 12 provided, however, the District Board may impose a surcharge at a rate not to exceed five (5) times that for a Normal Sewage Volume Charge.

## **ARTICLE 8 TRUCKED OR HAULED WASTES**

Trucked or Hauled Wastes may only be delivered to District-owned Treatment Plants

### **Section 801 – Licenses and Application**

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

### **Section 802 – Concurrent Requirements**

The Applicant for a license to discharge trucked or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any

license application, shall be grounds for invalidating the license. All licenses issued by the Director for this purpose shall be valid for one (1) year from the date of issuance. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reasons, the Part 364 permit is revoked, lapses, or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to (1) inspection and regulation, as established by the Director, (2) the terms and conditions of the license, and (3) all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked by the Director, at any time, for willful, continued, or persistent violation of this Law or the license or any condition or requirement thereof.

### **Section 803 – Dumping Location and Timing**

The Director may limit, condition, and periodically modify discharge locations, times, days of the week, and/or seasons of the year, as shall be stated on said license or as modified in writing by the Director.

### **Section 804 – Notification of Dumping**

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

### **Section 805 – Identification of Vehicle and Load**

Each tanker vehicle shall bear an identification sticker visibly displayed, which will be issued with the license. The source of each load shall be identified on a waste-tracking form provided by the District. This form shall include, at a minimum, the name and address of the industrial hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. Forms shall be signed at the sewage Treatment Plant for each load.

## **ARTICLE 9**

### **DISCHARGE RESTRICTIONS AND PROTECTION FROM DAMAGE**

#### **Section 901 – Discharges to the POTW**

All users of the District's POTW shall comply with all standards and requirements of the Clean Water Act and standards and requirements promulgated pursuant to the Clean Water Act, including but not limited to requirements of the applicable sewage treatment works authority.

#### **Section 902 – Discharge Restrictions and Protections**

Pursuant to 40 CFR §403.8:

Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from Industrial Users pollutants which Pass Through or Interfere with the operation of the POTW or are otherwise subject to Pretreatment Standards will be required to establish a POTW Pretreatment Program

unless the NPDES State exercises its option to assume local responsibilities as provided for in § 403.10(e).

The Regional Administrator or Director may require that a POTW with a design flow of 5 mgd or less develop a POTW Pretreatment Program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent Interference with the POTW or Pass Through.

The provisions of Appendix A shall apply in and for each District subject to the above pretreatment requirements.

#### **Section 903 – Access to Users’ Records**

The Director shall have the authority at all times to receive, review and copy any record related to Wastewater discharges to the POTW.

#### **Section 904 – Grease, Oil, Sand, and Other Interceptors**

Grease, oil, sand and other interceptors shall be provided by the User when, in the opinion of the Director, they are necessary for the proper handling of Wastewater containing excessive amounts of grease, oil, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or dwelling units. Grease interceptors, which separate and retain globules of grease, fat and oils from Wastewater, shall be required for all businesses engaged in food processing. All interceptors shall be of type and capacity required to meet the discharge standards of this Law, listed by the International Association of Plumbing and Mechanical Officials, and approved by the Director, and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at User’s expense. Proof of such cleaning and inspection shall be provided to the Director upon request.

#### **Section 905 – Flammable Substances**

Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, and/or a flammable substance interceptor as described in this Law.

#### **Section 906 – Solid Waste Grinders**

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the District’s POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the POTW plant.

#### **Section 907 – Rejection of Wastewater**

The Board may reject a User’s Wastewater, on recommendation of the Director, when it has been determined that the Wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW or its processes, or on the receiving water, or which constitute a Nuisance or hazard, or may enter into special agreements as provided for in Article 10 of this Law.

**Section 908 – Vandalism**

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

**Section 909 – Manhole Access**

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

**Section 910 – Encroachment Upon Districts' Facilities and Easements**

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

**Section 911 – Building Permits**

No Person shall be issued a building permit for a new building, structure, roadway, sidewalk, or other improvement or modification thereto on any real property located within a District or located without a District but connected to the POTW if the construction of such improvement would violate any provision of this Law.

## **ARTICLE 10 A PRETREATMENT AND REGULATION OF WASTEWATER**

**Section 1001 – Pretreatment Facilities**

Users shall provide Wastewater treatment as necessary to comply with this Law and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set forth in this Law within the time limitations specified by EPA, DEC or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at User's expense.

**Section 1002 – Wastewater Discharge Reports**

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



**Section 1003 – Notification to Industrial Users**

The Director shall, from time to time, notify each Industrial User of applicable Pretreatment Standards, and of other applicable requirements under the Clean Water Act, and Subtitles C (Managing Hazardous Waste) and D (Managing Solid Waste) of the Resource Conservation and Recovery Act (RCRA) and its associated regulations, and EPA policy and guidance. Notwithstanding this requirement, Industrial Users are solely and exclusively responsible for making themselves aware of, and complying with, all Federal, State, and Local requirements applicable to their operations.

**ARTICLE 10B  
WASTEWATER DISCHARGE PERMITS****Section 1004 A – Wastewater Discharge Permit Compliance**

All Persons required to have a Wastewater Discharge Permit shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

**Section 1004 B – Permits For Significant Industrial Users**

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. .

**Section 1004 C – Permits for Other Industrial Users**

The Director may require and issue Wastewater Discharge Permits for other Industrial Users of the POTW, for flow equalization or other reasons.

**Section 1004 D – Discharge Permits to Storm Sewers Not Authorized**

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

**Section 1005 A – Application for Wastewater Discharge Permits**

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and submit to the Director or his designee an application using the form prescribed by the District, signed by an authorized individual. Permit Applicants shall pay all reasonable expenses of the District for reviewing the permit application and administering the permit including costs relating to the District's personnel and facilities and out-of-pocket expenses for such items as engineers' fees and laboratory charges. Incomplete or inaccurate applications will not be approved and will be returned to the User for revision.

The permit Applicant shall submit with its application, in units and terms appropriate for evaluation, the following information.

- 1) Name, address, and location of the Applicant and, if different, the facility
- 2) Name of and contact information for the operator(s) and the owner(s).
- 3) SIC (Standard Industrial Classification) code of both the industry and any categorical processes.

- 4) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- 5) A list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- 6) Number and type of employees, hours of operation, and proposed or actual hours of operation of the Pretreatment system.
- 7) A list of any environmental control permits held by or for the facility, including permit number(s).
- 8) Type and amount of raw materials processed (average and maximum daily).
- 9) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW. This will include the nature, average rate of production (including each product produced by type, amount, processes and rate of production), and Standard Industrial Classifications of the operation(s) carried out by such User. The description should include a schematic process diagram, which indicates points of discharge to the POTW for the regulated processes. Wastewater constituents and characteristics identified in the description shall include without limitation those mentioned in Appendix A and Article 9 of this Law and which are limited to the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- 10) Time and duration of the discharge.
- 11) Average daily peak Wastewater Flow Rates, including daily, monthly, and seasonal variations, if any.
- 12) The location for monitoring all wastes to be covered by the permit.
- 13) The nature and concentration of any Pollutants in the discharge which are limited by any County, State, and Federal Standards, and a statement of whether or not the standards are being met on a consistent basis, and if not, whether additional Operation and Maintenance (O&M) and/or Pretreatment is required for the User to meet all applicable Standards.
- 14) If additional Pretreatment and/or O&M will be required to meet the Standards, then the Industrial User shall provide the shortest schedule to accomplish such additional O&M and/or treatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
  - a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
  - b) No increment referred to in (a) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
  - c) No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment

of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reasons for delay, and the steps being taken by the User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

- 15) Any other information as may be deemed by the Director to be necessary to evaluate the permit application. The Director will evaluate the data furnished by the User and may require 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 1005 B – Permit Modifications**

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

- 1) Promulgation of an applicable National Categorical Pretreatment Standard;
- 2) Revision of or a grant of a variance from such Categorical Standard pursuant to 40 CFR 403.13;
- 3) Changes in general discharge prohibitions and local limits in Section 902 of this Law;
- 4) Changes in processes used by the permittee, or changes in discharge volume or character;
- 5) Changes in design or capability of any part of the POTW;
- 6) Discovery that the permitted discharge causes or contributes to Pass Through or Interference; and
- 7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1005 A(14)(a).

#### **Section 1005 C – Permit Conditions**

Wastewater Discharge Permits shall be deemed to be 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:

- 1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization
- 2) Limits on the average and maximum Wastewater constituents and characteristics, including concentration or mass discharge limits.
- 3) The unit charge or schedule of user charges and fees for the management of the Wastewater discharge to the POTW.
- 4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- 5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- 6) Compliance schedules.
- 7) Requirements for submission of technical reports or discharge reports.
- 8) Requirements for maintaining and retaining plant records relating to Wastewater discharge, as specified by the District, and affording the Director access thereto.

- 9) Requirements for notification to the District of any new introduction of Wastewater constituents or of any substantial change in the volume or character of the Wastewater constituents being introduced into the POTW.
- 10) Requirements for the notification to the District of any change in the manufacturing and/or Pretreatment process used by the permittee.
- 11) Requirements for notification of excessive, accidental, or Slug discharges.
- 12) Other conditions as deemed appropriate by the District to ensure compliance with this Law and with State and Federal Laws, rules, and regulations.

#### **Section 1005 D – Permit Duration**

Permits shall be issued for the specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years and shall automatically terminate upon a User's cessation of operations for a period of ninety (90) consecutive days.

#### **Section 1005 E – Permit Reissuance**

The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Director during the term of the permit, as limitations or requirements identified in Section 1005 A change, or other just cause exists. The User shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as set forth in Section 1005 A(14)(a).

#### **Section 1005 F – Permit Transfer**

Wastewater Discharge Permits are issued to a specific User for a specific operation and/or discharge at a specific location. A Wastewater Discharge Permit shall not be assigned, transferred, conveyed, sublet, sold, or otherwise disposed of and shall not be used by anyone other than the specific User to which it was issued, and such permit shall not be used for premises, operation or discharge other than that specifically authorized by the District.

#### **Section 1005 G – Permit Revocation**

Wastewater Discharge Permits may be revoked for the following reasons: false or incomplete information in the permit application; falsifying self-monitoring reports; failing to properly submit required reports; tampering with monitoring equipment; refusing to allow the Director timely access to the premises; failure to meet effluent limitations; failure to pay fines; failure to pay user charges; failure to meet compliance schedules; and failure to comply with permit terms or conditions.

#### **Section 1005 H – Public Notification**

The District will publish in the Post Journal and/ or the Observer, or its successor, informal notice of intent to issue a Wastewater Discharge Permit, at least fourteen (14) days prior to issuance.

#### **Section 1006 – Reporting Requirements for Permittee**

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

- 1) The provisions of 18 U.S.C. §1001 relating to fraud and false statements;

- 2) The provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representation and certification;
- 3) The provisions of §309(c)(6) of the Clean Water Act, as amended, regarding corporate officers.
- 4) Baseline Monitoring Report  
Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit to the Director the information required by paragraph (8) and (9) of Section 1005 A.
- 5) 90-Day Compliance Report  
Within 90 days following the date for final compliance with applicable Pretreatment Standards, or in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all Pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or Pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User and certified to by a qualified professional. An authorized representative of the Industrial User may be:
  - a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
  - b) A general partner or proprietor, if the Industrial User is a partnership or proprietorship, respectively; or
  - c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the Indirect Discharge originates.
- 6) Periodic Compliance Reports
  - a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the report period, exceeded the average daily peak Wastewater Flow Rate in Section 1005 A. At the discretion of the Director, and in consideration of such factors as local high or low Flow Rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted, however, no fewer than two (2) reports shall be submitted per year.
  - b) The Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Section 1006 (6)(a) shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain

the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Director, of Pollutants contained in discharge which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

7) Violation Report

If sampling performed by the User indicates a violation of this Law and/or the User's Wastewater Discharge Permit, the User shall notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days of becoming aware of the violation; provided, however, that the User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling for the parameter which was violated between the User's initial sampling and the date by which the repeat sample would be required.

8) Other Reports

The Director may impose reporting requirements equivalent to the requirements imposed by Section 1005 C for Users not subject to Pretreatment Standards.

**Section 1007 – Flow Equalization**

An individual Wastewater Discharge Permit or a general Permit may be issued solely for flow equalization. The Director may require any Person discharging into the POTW to install and maintain, on their property at their expense, a suitable storage and flow-control facility to ensure equalization of flow. Each Person discharging into the POTW greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on the subject property and at such Person's expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. No Person shall cause the discharge of a Slug to the POTW.

**Section 1008 – Monitoring Stations (Control Manholes)**

- 1) All Significant Industrial Users, and other Industrial Users whose waste discharge has caused or may cause Interference or Pass-through, shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their Industrial Wastewater discharge.
- 2) If there is more than one Street Lateral serving an Industrial User, the Director may require the installation of a Control Manhole on each lateral.
- 3) The Director may require that such monitoring station(s) include equipment for the continuous measurement and recording of Wastewater Flow Rate and for the sampling of the Wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access to the station, without prior notice, by the Director or a designated representative.

**Section 1009 – Proper Design and Maintenance of Facilities and Monitoring Stations**

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

**Section 1010 – Vandalism, Tampering with Measuring Devices**

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

- 1) Any structure, appurtenance, or equipment which is part of the District's POTW, or
- 2) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law, except as approved by the Director in writing.

**Section 1011 – Sampling and Analysis**

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1008, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the Industrial sewer lateral immediately before discharge to the Public Sewer. Unless specifically requested otherwise, or unless specifically not allowed, by Federal or State regulation, samples shall be gathered as Composite Samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of Industrial Wastewater discharge during daily operations (including any cleanup shift). Sampling shall be performed so that a representative portion of the Wastewater is obtained for analysis.

When requested by the Director, a User must submit information on the nature and characteristics of its Wastewater within ten (10) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

**Section 1012 – Accidental Discharge and SPCC Plan**

Each Industrial User shall have a written plan for protection against accidental discharges of prohibited materials and discharges of materials in volume or concentration exceeding limitations of this Law or of a permit issued hereunder. This plan shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The Director may require any User to submit its plan for approval, and to implement such plan or to take such other action as may be necessary to control Slug discharges. Alternatively, the Director or a third-party municipal

sewage treatment provider may develop such a plan for any User. An accidental discharge/Slug discharge plan shall include detailed plans and procedures, and shall address, at a minimum:

- 1) Description of discharge practices, including non-routine batch discharges;
- 2) Description of stored chemicals;
- 3) Procedures for immediately notifying the District of any accidental or Slug discharge, as required by this Law;
- 4) Procedures to prevent adverse impact from any accidental Slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants including solvents, and/or measures and equipment for emergency response.

Users shall immediately notify the Director of the discharge of wastes in violation of this Law or any permit, whether caused by breakdown of Pretreatment equipment, mechanical failure, negligence, or other causes

When possible, notification shall be immediate so as to enable the Director to initiate appropriate countermeasure action at the POTW. Within five (5) calendar days after the day of the occurrence, the User shall submit to the Director a detailed written statement which describes the cause(s) of the discharge and the measures being taken to prevent future occurrences. Analytical results and their interpretation may be appended to the report at a date not exceeding forty-five (45) calendar days after the date of occurrence.

#### **Section 1013 – Posting Notices**

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

#### **Section 1014 – Sample Splitting**

When so required in advance by an Industrial User, and when taking a sample of Industrial Wastewater, the District's representative(s) shall gather sufficient volume of sample so that the sample can be split in two (2) nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the Industrial User whose Wastewater was sampled, and the other shall be retained by the District for its own analysis.

#### **Section 1015 – Public Access to Information**

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



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

#### **Section 1016 A – Access to Property and Records**

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

#### **Section 1016 B – Access to Easements**

The Director and any duly authorized agents, bearing proper credentials and identification, shall be permitted to enter all private premises through which the District holds an Easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Public Sewer system lying within the Easement. All entry and subsequent work on the Easement shall be done in accordance with the terms of the Easement pertaining to the private premises involved.

#### **Section 1016 C – Liability of Property Owner**

During the performance on private premises of inspections, sampling, or other similar operations referred to in Sections 1016A and 1016B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspectors shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions, or by the owner or occupants intentional infliction of harm.

#### **Section 1017 – Special Agreements**

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the District and any User of the POTW whereby Wastewater of unusual strength or character, including that with characteristics greater than those of Normal Sewage and or which contains a substance of concern, 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 Board shall consider whether the Wastewater will:

- 1) pass-through or cause Interference;
- 2) endanger the public or municipal employees;
- 3) cause violation of the SPDES permit;
- 4) interfere with any Purpose stated in Section 103; or
- 5) prevent the equitable compensation to the District for Wastewater conveyance and treatment, and sludge management and disposal.

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

No agreement shall be entered into without the User having been issued and presently holding a valid permit to discharge wastes into the POTW for treatment and disposal. Additionally, the User shall be in compliance with all conditions of their permit and shall not be in arrears in any charges due to the District before the agreement is entered into. The Board may condition the agreement, and any such agreement shall be terminable by the District upon any of the grounds for which a permit is revocable and automatically terminated effective as of the date of the User's permit revocation.

## **ARTICLE 11 ENFORCEMENT AND PENALTIES**

### **Section 1101 – Enforcement Response Plan**

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

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

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

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as: magnitude of the violation, duration of the

violation, effect of the violation on the receiving water, effect of the violation on the POTW, compliance history of the User, and good faith of the User, and shall promote consistent and timely use of enforcement remedies.

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

## **ADMINISTRATIVE REMEDIES**

### **Section 1102 – Notification of Violation**

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

### **Section 1103 – Consent Orders**

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

### **Section 1104 – Administrative or Compliance Order**

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

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

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

### **Section 1105 – Civil Penalties**

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

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

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

#### **Section 1106 – Cease and Desist Orders**

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

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

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

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

#### **Section 1107 – Termination of Permit**

A User who violates the following conditions of this Law or a Wastewater Discharge Permit or order, or any applicable or State and Federal law, is subject to permit termination:

- 1) Violation of permit conditions;
- 2) Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- 3) Failure to report significant changes in operations or Wastewater constituents or characteristics; or
- 4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non-compliant Industrial Users will be notified, by registered mail, of the proposed termination of their Wastewater permit.

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

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

#### **Section 1108 – Show Cause Hearing**

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

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

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

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

### **JUDICIAL REMEDIES**

#### **Section 1109 – Fines**

Any Person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any order or determination of the Director promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the District for a fine not to exceed one thousand dollars (\$1,000.00) for each such violation, to be assessed after the hearing held in conformance with the procedures set forth in this Article. Each violation shall be a separate and distinct violation, and in the case of continuing violations, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered by offset against funds owed by the County to the Person, by addition of the penalty amount to the Person's sewer bill, and/or in an action brought by the District's attorney at the request of the Director in the name of the District in any court of competent jurisdiction. In addition to the above-described penalty and damages, the Director may recover reasonable attorney's fees, court

costs, and other expenses associated with the enforcement activities, including without limitation sampling and monitoring expenses. Such fine may be released or compromised by the Director before the matter has been referred to the District's attorney, and where such matter has been referred to the District's attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the District's attorney, with the consent of the Director.

#### **Section 1110 – Court Orders**

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

- 1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit; and/or
- 2) Enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the District's attorney at the request of the Director in the name of the District, in any court of competent jurisdiction.

#### **Section 1111 – Criminal Penalties**

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

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

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

#### **Section 1112 – Injunctive Relief**

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

#### **Section 1113 – Damages**

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

#### **Section 1114 – Summary Abatement**

Notwithstanding any inconsistent provisions of this Law, whenever the Director finds, after investigation that any Person is causing, engaging in, or maintaining a condition or activity which, in the Director's judgment, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Director may, without prior hearing, order such Person by notice, in writing wherever practicable or in such other form as practicable with respect to the condition or activity intended to be proscribed, to discontinue, abate, or alleviate such condition or activity and thereupon such Person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Director may take all appropriate action to abate the violating condition the cost of which shall be collected in the same manner as a civil fine or penalty under Sections 1105, 1109, and 1121 of this Law. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Director shall provide the Person an opportunity to be heard, in accordance with the provisions of this Article.

The Director, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of such Director's duties to protect the public health, safety, or welfare, or to preserve the POTW.

### **MISCELLANEOUS**

#### **Section 1115 – Delinquent Payments**

If there shall be any payment which is due to a District pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date it was mailed; a penalty equal to ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed. The Director may waive all or part of this penalty for good cause, with Board approval.

#### **Section 1116 – Performance Bonds**

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

#### **Section 1117 – Financial Assurance**

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

**Section 1118 – Informant Rewards**

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

**Section 1119 – Public Notification**

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

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

**Section 1120 – Contracted Services**

- 1) Users which have not achieved consistent compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the District.
- 2) Existing contracts for the sale of goods or services to the District held by a User found to be in significant violation with Pretreatment Standards may be terminated at the discretion of the Board.

**Section 1121 – Levy of Civil Penalties**

The Districts shall transmit to the County Director of Finance on or before October 1 of each year a list of those property owners within the District against whom a civil penalty has been imposed pursuant to Section 1105 of this Law or with respect to whom costs of summary abatement pursuant to Section 1114 of this law have been incurred for which a show cause hearing has been held pursuant to Section 1108 of this Law, the notice for which having included advice that such a civil penalty or summary abatement costs will constitute a lien upon the property involved in the violation where such civil penalty or summary abatement costs has been outstanding and unpaid for at least thirty (30) days and has not previously been levied pursuant to this section. The list shall contain a brief description of the properties with respect to which such civil penalties or summary abatement costs were imposed, the name(s) of the Person(s) liable to pay for the same and the amount chargeable to each, including penalties and interest, computed, pursuant to Section 1115 of this law, to December 31. The County shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name "County Sewer Penalty". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the County Finance Director. All of the provisions of the tax laws of the State of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of



such County sewer penalty. Such amounts, when received by the County Finance Director, shall be credited to the District's fund and shall be used only for the purposes of such District.

## ARTICLE 12 SEWER USE CHARGES

### Section 1201 – Normal Sewer Service Charges

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

### Section 1202 – Surcharge for Abnormal Sewage

Abnormal sewage is sewage which does not fall within the definition of Normal Sewage due to exceedance of a maximum concentration of one or more characteristics of Normal Sewage, or otherwise. All Persons discharging or depositing wastes with concentrations in excess of the Pollutant concentrations in Normal Sewage shall pay a surcharge. The total sewer service charge, (which shall be called the "User Charge"), is comprised of two parts, as follows:

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

Where:

UC(t)	=	Total annual POTW operation and maintenance costs
UC(n)	=	User Charge associated with Normal Sewage
UC(an)	=	User Charge associated with abnormal sewage

$$UC(n) = OM \times OQ \times (QIA/QA)$$

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

Where:

OM	=	Total annual POTW operation and maintenance costs
OQ	=	percentage of OM attributable to flow (Q)
OB	=	percentage of OM attributable to BOD5
OS	=	percentage of OM attributable to Suspended Solids
OP	=	percentage of OM attributable to Total Phosphorus
ONH	=	percentage of OM attributable to Ammonia
OTK	=	percentage of OM attributable to Total Kjeldahl Nitrogen
QIA	=	average daily Flow Rate (MGD) from discharger
BIA	=	average daily BOD5 loading (LB/DAY) from discharger
SIA	=	average daily Suspended Solids loading (LB/DAY) from discharger
PIA	=	average daily Total Phosphorus loading (LB/DAY) from discharger

NHIA	=	average daily Ammonia loading (LB/DAY) from discharger
TKIA	=	average daily Total Kjeldahl Nitrogen loading (LBN/DAY) from discharger
QA	=	average daily Flow Rate (MGD) at the POTW Treatment Plant
BA	=	average daily BOD5 loading (LB/DAY) at the POTW Treatment Plant
SA	=	average daily Suspended Solids loading (LB/DAY) at the POTW Treatment Plant
PA	=	average daily Total Phosphorus loading (LB/DAY) at the POTW Treatment Plant
NHA	=	average daily total Ammonia loading (LBN/DAY) at the POTW Treatment Plant
TKA	=	average daily Total Kjeldahl Nitrogen loading (LBN/DAY) at the POTW Treatment Plant
Bn	=	BOD5 loading (LB/DAY) in discharge if it were Normal Sewage
Sn	=	Suspended Solids loading (LB/DAY) in discharge if it were Normal Sewage
Pn	=	Total Phosphorus loading (LB/DAY) in discharge if it were Normal Sewage
NHn	=	Ammonia loading (LB/DAY) in discharge if it were normal sewage
TKn	=	Total Kjeldahl Nitrogen loading (LBN/DAY) in discharge if it were Normal Sewage

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

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

### **Section 1203 – Contractually Treated Sewage**

Notwithstanding the above, Normal Sewage treatment charges, abnormal sewage treatment charges, and any other applicable charges shall, when sewage is treated by another municipality or entity via contract, be equal to the amount charged by such third party for sewage treatment, in accordance with the contract.

In the event a requirement of a third-party treatment provider is more stringent than a requirement found in this Law, the third party's more stringent requirement shall be deemed to apply, and violation of such third party's requirement shall be deemed to be a violation of this Law.

### **Section 1204 – Measurement of Flow**

In the event that a Person discharging wastes into the POTW provides satisfactory evidence to the Director demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, the Director shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a Person discharging wastes into the POTW procures all or part of his

or her water supply from un-metered sources, the Director may either direct the installation of water meters on the other source of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Director and shall be installed, maintained, and periodically tested as required by the owner, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Director. Any Person discharging wastes into the POTW may install a flow measuring device at his or her option, of the type, design, installation, and maintenance standards of the Director, at the owner's expense. The volume of flow to be used in computing charges or surcharges imposed under this Article shall be set forth in the User Charge Law of the District. Anything in this Law to the contrary notwithstanding, a sewage flow measuring device shall not be required to be the basis for User charges.

#### **Section 1205 – Billing Period**

The Billing Period for the surcharge shall be in accordance with the Legislative Resolution establishing District User charges.

#### **Section 1206 – Pretreatment Program Costs**

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

- 1) Reimbursement of costs of setting up and operating the Pretreatment program
- 2) Issuing permits
- 3) Monitoring, inspections, and surveillance procedures
- 4) Cost of equipment and supplies
- 5) Reviewing accidental discharge procedures
- 6) Construction inspections
- 7) Filing appeals
- 8) Application for consistent removal status as outlined in 40 CFR 403
- 9) Other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government,

#### **Section 1207 – Charges for Hauled and Trucked Waste**

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

#### **Section 1208 – Impact Fees**

The Board or, as delegated by the Board, the Director, shall have the authority to impose impact fees on new development, which development may:

- 1) Cause enlargement of the service areas of the POTW; or
- 2) Cause increased hydraulic and/or treatment demands on the POTW.

#### **Section 1209 – User Charge Law Violation**

A User's violation of a Legislative Resolution establishing District User charges shall constitute a violation of this Law and shall be subject to enforcement pursuant to Article 11 of this Law.

A District may charge an additional sewage treatment fee, as authorized by such District's user charge law or as a penalty for violation of this Law, to those who fail to remedy Infiltration or Inflow within ninety (90) days of issuance of a Director's written notice requiring correction of the same.

#### **Section 1210 – Sanitary Code of the Chautauqua County Health District**

Nothing herein shall be deemed to limit enforcement rights available to the County pursuant to the Sanitary Code of the Chautauqua County Health District or pursuant to any other federal, state or local law, rule or regulation.

### **ARTICLE 13 PUBLIC DISCLOSURE OF POTW OPERATIONS**

#### **Section 1301 – POTW Operations Open to the Public**

It shall be the policy of the Boards to conduct all business with full disclosure to the public.

#### **Section 1302 – Procedural Requirements Available**

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

#### **Section 1303 – Validity Through Public Inspection**

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

### **ARTICLE 14 LOCAL LAW IN FORCE**

#### **Section 1401 – Local Laws Superseded**

Chautauqua County Local Law 13-79, 14-79, 6-94 and subsequent Local Laws amending such law are superseded by this Local Law as of the effective date of this Local Law, and other Local Laws or parts of Local Laws in conflict herewith are hereby repealed.

#### **Section 1402 – Severability**

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

#### **Section 1403 – Effective Date**

This Law shall take effect thirty (30) days after its filing in the Office of the New York Secretary of State.

## **APPENDIX A TO COUNTY SEWER USE ORDINANCE**

### **Section A901 – Discharge Standards**

All Users of the Districts' POTW will comply with all standards and requirements of the Clean Water Act and standards and requirements promulgated pursuant to the Act.

Whenever deemed necessary, the Director may require a User to restrict its discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from Industrial Waste streams, and take such other measures as may be necessary to protect the POTW and determine User's compliance with the requirements of this Law.

### **Section A902 – General Prohibitions**

No User shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any Pollutant or Wastewater which will Pass Through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

Without limiting the generality of the foregoing, unless explicitly authorized by a written permit issued in advance by the sewage treatment works authority a User may not contribute the following substances to the POTW:

- 1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than five percent (5%) nor any single reading more than ten percent (10%) of the lower explosive limit (LEL) of the meter.

Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substance which the Districts, the State, or the EPA has determined to be a fire hazard or a hazard to the POTW.

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

- 3) Any wastewater having a pH less than 5.5 or greater than 9.5 or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.
- 4) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants (including heat), to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the Receiving Waters of the POTW, or cause exceedance of limitations set forth in a Categorical Pretreatment Standard. A toxic Pollutant shall include but not be limited to any Pollutant identified as such in the Clean Water Act.
- 5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a Nuisance, or to create a hazard to life, due to toxic gases, fumes, vapors or otherwise in quantities capable of causing health and safety problems for POTW personnel or are sufficient to prevent entry into the sewer for maintenance or repair.
- 6) Any commercial, institutional, or Industrial Wastes containing fats, waxes, grease, or oils which become visible or floatable when the wastes cool to the temperature prevailing in the Wastewater at the POTW Treatment Plant, during the winter season; also any commercial, institutional, or Industrial Wastes containing more than 100 mg/l of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW; also petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- 7) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall the substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed 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.
- 8) Any substance which will cause the POTW to violate its NPDES (National Pollutant Discharge Elimination System) and/or State Disposal System permit or the receiving water quality standards.
- 9) Any substance which will cause Interference or Pass Through.
- 10) Any Wastewater with objectionable Color which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- 11) Any solid, liquid, vapor, or gas having a temperature higher than 60 degrees C (140 degrees F), or which will inhibit biological activity in the POTW Treatment Plant resulting in Interference, but in no case Wastewater with a temperature at the introduction to the POTW greater than 40 degrees C (104 degrees F). The Director reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 60 degrees C.
- 12) Any Pollutants, including oxygen demanding Pollutants (BOD, etc.) released at a Flow Rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference to the POTW.
- 13) Unusual Flow Rate or concentration of wastes, constituting Slug, except by Industrial Wastewater Permit.

- 14) Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District, except as approved by the Director in compliance with applicable State and Federal regulations.
- 15) Pollutants which create a fire or explosive hazard in the POTW, including without limitation waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
- 16) Any Wastewater which causes a hazard to human life, or which creates a Nuisance, either by itself or in combination, in any way, with other wastes.
- 17) Any Pollutant discharged by truck or hauled waste to a sanitary sewer at a location other than that specified by the District Director.
- 18) Any substance, whether or not subject to any other requirements contained herein, which if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, except upon written notice (containing the information required by 40 CFR 403.12(p)) to the District, EPA and NYSDEC.

### **Section A903 – Concentration Based Limitations**

The District Director is authorized to establish local limits pursuant to 40 CFR 403.5(c). When the Director determines that a User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall, either directly or through the provider of sewage treatment services:

- 1) Advise the User(s) of the impact of the concentration on the POTW; and
- 2) Develop effluent limitation(s) for such User to correct the Interference with the POTW.

No Person shall directly or indirectly discharge into the POTW Wastewater containing any of the following substances in concentrations exceeding the limits specified below on either a daily or instantaneous basis unless permitted by the Director, upon finding that such concentrations do not interfere with the overall operation of the POTW and its ability to meet the state and federal discharge requirements. Concentration limits are applicable to Wastewater effluents at the point just prior to discharge into the POTW (“end of pipe” concentrations). With the express written consent of the Director, Users with multiple discharge out-falls may combine wastes streams by calculation to report on Wastewater characteristics.

<b>SUBSTANCE</b>	<b>Effluent Concentration Limit (mg/L)</b>	<b>ALLOWABLE MAXIMUM INSTANTANEOUS</b>
<b>Aluminum</b>		
<b>Antimony</b>		
<b>Arsenic</b>	0.2	
<b>Barium</b>	4.0	
<b>Beryllium</b>		
<b>Bismuth</b>		
<b>Bromine</b>		
<b>Cadmium</b>	0.4	
<b>Chlorides</b>		
<b>Chlorine</b>	0.5	
<b>Chromium (hex)</b>	0.2	



<b>Chromium (tot)</b>	1.0	
<b>Cobalt</b>		
<b>Copper</b>	3.0	
<b>Cyanide (complex)</b>	1.6	
<b>Cyanide (free)</b>	0.4	
<b>Fluorides</b>	4.0	
<b>Gold</b>	0.2	
<b>Iodine</b>		
<b>Iron</b>	5.0	
<b>Lead</b>	0.5	
<b>Manganese</b>	4.0	
<b>Mercury</b>	0.0007	
<b>Molybdenum</b>	0.05	
<b>Nickel</b>	1.0	
<b>Phenols, total</b>	4.0	
<b>Selenium</b>	0.1	
<b>Silver</b>	0.2	
<b>Sulfates</b>		
<b>Sulfides</b>	6.0	
<b>Tin</b>		
<b>Titanium</b>		
<b>Vanadium</b>		
<b>Zinc</b>	1.0	

- 1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.
  - 2) Concentrations are determined on a Composite Sample taken from the User's daily discharge over a typical operational and/or production day.
- 1) As determined on a single sample of Wastewater representing the physical, chemical, and biological characteristics of the Wastewater at one point and time, taken from the User's discharge at any time during the daily operational and/or production period.
  - 2) Other substances which may be limited are:
    - alkanes, alkenes and alkynes
    - aliphatic and aromatic alcohols and acids
    - aliphatic and aromatic aldehydes and ketones
    - aliphatic and aromatic esters
    - aliphatic and aromatic halogenated compounds
    - aliphatic and aromatic nitro, cyano and amino compounds
    - antibiotics
    - benzene derivatives
    - chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with Wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds
    - pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides
    - per- and polyfluoroalkyl substances (PFAS)
    - phthalates

polyaromatic and polynuclear hydrocarbons  
total toxic organics, TTO, as defined in 40 CFR 433.11  
toxic organic compounds regulated by Federal Pretreatment Standards  
unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group  
viable pathogenic organisms from Industrial processes or hospital procedure

#### **Section A904 – Modification of Limitations**

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

- 1) The limitations in this Law are not sufficient to protect the POTW;
- 2) The limitations in this Law are not sufficient to enable the POTW Treatment Plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit;
- 3) The POTW sludge will be rendered unacceptable for disposal or reuse as the District desires, as a result of discharge of Wastewater at the above prescribed concentration limitations;
- 4) Municipal employees or the public will be endangered;
- 5) Air pollution and/or groundwater pollution will be caused; or
- 6) Modified limitations are needed in order to comply with requirements of a treatment work which treats District sewage.

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 Board. This Law may then be amended appropriately. Any issued Industrial Wastewater Discharge Permit which is inconsistent with a modified limitation shall be revised and amended, as appropriate.

#### **National Categorical Pretreatment Standards**

In compliance with Public Laws 84-660 and 92-500 of the Water Pollution Control Acts and amendments thereto, this Law adopts and uses as a guide the National Pretreatment Standards and the Environmental Protection Agency's (EPA) Pretreatment Guidelines. The National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into this Law. The District recognizes that in some cases these Pretreatment Standards may not be sufficient to protect the operation of its Treatment Plant or to effect compliance with the terms of its SPDES permit. In such cases, the Director reserves the right to impose more stringent Pretreatment standards than those specified in EPA regulations.

When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Director may impose an alternate limit in accordance with 40 CFR 403.6(e).

#### **Section A905– Dilution**

Except where expressly authorized by an applicable Pretreatment Standard, no User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial

or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard. Dilution flow shall be considered to be Inflow.

Sponsor: Chairman Pierre Chagnon

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Confirm Appointment – Parks Commission

**BY:** Public Facilities Committee:

**AT THE REQUEST OF:** Legislator Bob Scudder:

WHEREAS, Legislator Bob Scudder has submitted the following appointment to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Parks Commission.

Janis Bowman  
2017 Hoag Road  
PO Box 3  
Ashville, NY 14710  
Term Expires: 6/30/27  
(New Appointment)

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

## County Executive

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**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend 2025 Budget for Repairs to and Replacement of Fire-Damaged Equipment  
Environment - Landfill

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the Landfill had two separate instances of equipment being damaged by fire in 2024; and

WHEREAS, the Landfill received insurance claim payments due to these damages totaling \$244,634.17 in 2024; and

WHEREAS, it is desired to utilize \$149,428 from the insurance payment to cover repairs to the Landfill Compactor damaged by fire, and \$95,207 to purchase a new Slope Mower destroyed by fire; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2025 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.1000.4	Contractual – Environment; Landfill	\$149,428
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INCREASE REVENUE ACCOUNT:

EL.8160.1000.R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$149,428
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and be it also

RESOLVED, That the Director of Finance is hereby authorized to make the following changes to the 2025 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.022.4	Contractual- Environment; Vehicle & Equip Purch (Annual)	\$95,207
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### ESTABLISH & INCREASE REVENUE ACCOUNT:

EL.8160.022.R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$95,207
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**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

## County Executive

Date \_\_\_\_\_

**CHAUTAUQUA COUNTY**  
**RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Authorize Extension of Lease Agreement with Town of Chautauqua for Office Space for Chautauqua County Department of Mental Hygiene

**BY:** Public Facilities, Human Services and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the County desires to request an extension of the lease with the Town of Chautauqua, approximately 2,894 square feet, located at 2 Academy Street, Mayville, in the County of Chautauqua, State of New York, for use by the Chautauqua County Department of Mental Hygiene; and

WHEREAS, it would be desirable for the County to enter into an extension of the lease agreement with the Town of Chautauqua through July 31, 2025, so the County may continue using this space, during which time the County may continue negotiating terms for a renewed agreement; and

WHEREAS, Town of Chautauqua is willing to continue to lease to the County for the currently occupied space in the Municipal Building under the same terms and conditions as the current lease, which expired in March 2025; and

WHEREAS, expenses associated with this lease are already approved in the 2025 Adopted Budget for Chautauqua County Department of Mental Hygiene; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the lease agreement with the Town of Chautauqua upon the following terms and conditions:

- 1) Premises. Approximately 2,894 square feet (Rooms 201-1, 202-1, 203-1, and public space including the stairways and hallways needed for access thereto) of office space on the 2nd floor of 2 Academy Street, Mayville, New York.
- 2) Term. April 1, 2023 through July 31, 2025
- 3) Rent. \$1,843.25 per month
- 4) Utilities. Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
- 5) Other. As negotiated by the County Executive.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY**  
**RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Authorize Renewal of Lease Agreement with Jamestown's Rental Properties, LLC for Office Space at 333 East 5<sup>th</sup> Street in Jamestown, New York

**BY:** Public Facilities, Human Services, and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul J. Wendel, Jr.:

WHEREAS, the County desires renew its lease with Jamestown's Rental Properties, LLC for approximately 4,080 square feet of office space located at 333 East 5<sup>th</sup> Street in Jamestown, New York, for use as a Chautauqua County Mental Hygiene office; and

WHEREAS, negotiations have been undertaken to obtain a renewed lease agreement mutually beneficial to the County and Jamestown's Rental Properties, LLC; and

WHEREAS, this expense is included in the 2025 Adopted Budget so an amendment is not needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Jamestown's Rental Properties, LLC upon the following terms and conditions:

- 1) Premises: Approximately 4,080 square feet of office space located at 333 East 5<sup>th</sup> Street, Jamestown, New York.
- 2) Term: October 1, 2025 through September 30, 2027.
- 3) Rent: \$18.50 per square foot for the first year with a 4% increase every year thereafter.
- 4) Utilities: Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
- 5) Other: As negotiated by the County Executive.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**TITLE:** Authorize Lease Agreement with Jamestown’s Rental Properties, LLC  
for Office Space for the Jamestown DMV

**BY:** Public Facilities, Administrative Services and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul J. Wendel, Jr.:

WHEREAS, negotiations have been undertaken and the parties have arrived at tentative lease terms mutually agreeable to the County and Jamestown's Rental Properties, LLC; now therefore be it

- 1) Premises: Approximately 3,085 square feet of office space located at 512 West Third Street, Suite 2, Jamestown, New York.
- 2) Term: June 1, 2025 through May 31, 2027.
- 3) Rent: \$17.76 per square foot for the first year with a 4% increase every year thereafter.
- 4) Utilities: Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
- 5) Other: As negotiated by the County Executive.

**VETOES (VETO MESSAGE ATTACHED)**

Date \_\_\_\_\_



**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Authorize Public Hearing on Ground Lease with The Aerie JHW LLC at Chautauqua County Airport Jamestown

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates the Chautauqua County Airport Jamestown in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, The Aerie JHW LLC, is interested in a long-term ground lease for their corporate hangar located at Jamestown Airport; and

WHEREAS, the Airport Commission has considered and recommends the acceptance of the negotiated lease; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; now therefore be it

RESOLVED, that pursuant to General Municipal Law, a public hearing on the proposed lease agreement with The Aerie JHW LLC, to include substantially the following terms and conditions, shall be held at 6:35 p.m. during the meeting of the Chautauqua County Legislature to occur on Wednesday, June 25, 2025, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757:

1. Term. Commencing July 1, 2025 and terminating June 30, 2035 with two (2) options to renew for additional ten (10) year terms, and a ninety (90) day cancellation notice by either party.
2. Premises. Ground lease for area owned by County, improved by Lessee's hangar, located in the western portion of the property.
3. Payment. Tenant shall pay rent to County annually, as follows, on or before July 1<sup>st</sup> of each year for the full calendar year: First year (2025) \$2,000. Beginning in 2026 through the end of the lease term; a two percent (2%) increase per year, compounded annually, shall apply.
4. Other. As negotiated by the County Executive.

; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

**County Executive**

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**Date**