

Chapter 103. SEWERS

Attachments: See ECODES – Town of Shandaken

[**HISTORY Adopted by the Town Board of the Town of Shandaken 9-12-2005 by L.L. No. 4-2005. Amendments noted where applicable.**]

GENERAL REFERENCES

Flood damage prevention — See Ch. 77.

Subdivision of land — See Ch. 105.

Zoning — See Ch. 116.

Environmental quality review — See Ch. A118.

Article I. Title; Purposes; Referenced Standards

§ 103-1. Title.

For brevity and ease of communication, this chapter may be cited as the "Town of Shandaken Sewer Use Law."

§ 103-2. General purpose.

The general purpose of this chapter is the following: To provide for efficient, economic, environmentally safe, and legal operation of the Town of Shandaken publicly owned treatment works (POTW) including the Shandaken wastewater treatment plant and sewage collection system.

§ 103-3. Specific purposes.

The specific purposes of this chapter are the following:

A. To prevent the introduction of substances into the municipal WWTP sewer system that will:

- (1) Interfere with the municipal WWTP sewer system in any way; or
- (2) Pass through the municipal WWTP sewer system into the state's waters and cause contravention of standards for those waters or cause violation of the municipal WWTP sewer system's SPDES permit; or
- (3) Hamper the disposal of municipal WWTP sewer system sludge and/or other residuals; or
- (4) Endanger employees responsible for the operation, maintenance, and repair of the municipal WWTP sewer system; or
- (5) Cause air pollution or groundwater pollution, directly or indirectly; or
- (6) Cause, directly or indirectly, any public nuisance condition.

B. To prevent new sources of infiltration and inflow and, to the extent practicable, eliminate existing sources of infiltration and inflow.

C. To assure that new sewer connections are properly constructed.

§ 103-4. Referenced standards.

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

Article II. Definitions

§ 103-5. Word usage; terms defined.

A. Unless otherwise stated in the section where the term is used in this chapter, the meanings of terms used in this chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this chapter, "shall" is mandatory; "may" is permissive.

B. As used in this chapter, the following terms shall have the meanings indicated:

ABNORMAL SEWAGE

Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See "sewage, normal."

ACT or "THE ACT"

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

ADMINISTRATOR

The Regional Administrator of the U.S. Environmental Protection Agency (USEPA), Region 2.

AMMONIA

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

APPLICANT

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

APPROPRIATE AGENCIES

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

APPROVAL AUTHORITY

The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

APPROVED LABORATORY PROCEDURE

The procedure defined as "standard methods" in this article, or other procedures approved by the Inspector for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewater, and/or sludge.

ASTM, denoting "American Society for Testing And Materials"

The latest edition of any ASTM specification, when stipulated in this chapter.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER

An authorized representative of the industrial user may be:

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

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

AVAILABLE CAPACITY OF MUNICIPAL WWTP SEWER SYSTEM

Difference between the municipal WWTP sewer system's capacity and the average daily flows that the municipal WWTP sewer system treats.

BOD, denoting "biochemical oxygen demand"

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

BUILDER

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

BUILDING DRAIN

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

BUILDING LATERAL

The portion of a lateral that extends from the property line (or theoretical curb cut) up to the foundation of the structure being served by the sewer system.

CAPACITY OF MUNICIPAL WWTP SEWER SYSTEM

The maximum amount of wastewater flow (in gallons per day) that the municipal WWTP sewer system can effectively treat. This is the same as the municipal WWTP sewer system's design flow permitted under its SPDES permit.

CATEGORICAL INDUSTRIAL USER

See "user, categorical industrial."

CHLORINE DEMAND

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

CITY OF NEW YORK'S WATER SUPPLY

The New York City public water supply system includes all watercourses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto.

COD, denoting "chemical oxygen demand"

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

COLOR

The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMPOSITE SAMPLE

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

CONNECTION

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

CONTROL AUTHORITY

The term shall refer to approval authority, or to the Inspector when the Town has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONTROL MANHOLE

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

CONVENTIONAL POLLUTANT

A pollutant that the municipal WWTP sewer system was designed to treat, defined in accordance with the Act.

COOLING WATER

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

DEVELOPER

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

DIRECT DISCHARGE

The discharge of treated or untreated wastewater directly to the waters of the State of New York. (For references, see "indirect discharge.")

DOMESTIC WASTES

See "sewage, domestic."

DRY SEWERS

The sanitary sewer installed in anticipation of future connection to the municipal WWTP sewer system but which is not used, in the meantime, for transport of storm or sanitary sewage.

EASEMENT

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

END OF PIPE

For the purpose of determining compliance with limitations prescribed by Article VII (Discharge Restrictions), shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the municipal WWTP sewer system.

END OF PIPE CONCENTRATION

The concentration of a substance in a sample of wastewater at end of pipe.

EPA, USEPA, or U.S. ENVIRONMENTAL PROTECTION AGENCY

The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations; also may be used as a designation for the Administrator or other duly authorized official of this agency.

EXTENSION

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

FACILITY

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

FLOATABLE OIL

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

FLOW RATE

The quantity of liquid or waste that flows in a certain period of time.

GARBAGE

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

GRAB SAMPLE

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

GREASE TRAP

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

ICS FORM

The form used by the NYSDEC to survey industries to perform and update the industrial chemical survey.

INDIRECT DISCHARGE

The introduction of wastewater into the Municipal WWTP sewer system for treatment and ultimate discharge of the treated effluent to the state's waters. (For reference, see "direct discharge.")

INDUSTRIAL

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

INDUSTRIAL CHEMICAL SURVEY (ICS)

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

INDUSTRIAL USER

See "user, industrial."

INDUSTRIAL WASTES

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

INFILTRATION

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

INFLOW

Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INSPECTOR

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

INTERFERENCE

A discharge which, alone or in conjunction with discharges by other sources.

(1) Inhibits or disrupts the municipal WWTP sewer system, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore, is a cause of a violation of any requirement of the municipal WWTP sewer system's SPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal by the municipal WWTP sewer system in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):

(a) Section 405 of the Clean Water Act;

(b) "**Resource Conservation and Recovery Act** including Title II, more commonly referred to as the "Resource Conservation and Recovery Act - RCRA"), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA);

(c) Clean Air Act;

(d) Toxic Substance Control Act; and

(e) Marine Protection Research and Sanctuaries Act.

LATERAL

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

LATERAL, BUILDING

The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

LATERAL, STREET

The sewer extension from the public sewer to the property line or easement line.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD

Any regulation developed under the authority of Section 307B of the Act, and 40 CFR, § 403.5.

NATURAL OUTLET

Any outlet, including storm sewers and combined sewer overflows, to state's waters.

NEW OWNER

That individual or entity who purchased property within the service area of the municipal WWTP sewer system after the effective date of this chapter.

NEW SOURCE

Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307C (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated.

NEW USER

A discharger to the municipal WWTP sewer system who commences discharge after the effective date of this chapter.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)

An agency of the City of New York that is involved principally with water supply and environmental protection activities, including watershed protection activities, in both New York City proper and the city's east and west of Hudson watershed areas.

NUISANCE

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

NYC RULES AND REGULATIONS

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

OIL AND GREASE

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

OLD OWNER

That individual or entity who owns or owned a property, within the service area of the municipal WWTP sewer system, purchased prior to the effective date of this chapter, or who inherited the property at any time and intends to sell the property, or has sold the property to a new owner; also the agent of the old owner.

OTHER WASTES

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

PASS-THROUGH

The discharge which exits the municipal WWTP sewer system into waters of the state in quantities which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the municipal WWTP sewer system's SPDES permit(s) (including an increase in the magnitude or duration of a violation).

PERMIT

A temporary revocable written document allowing use of municipal WWTP sewer system for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this chapter.

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.

PHOENICIA WASTEWATER ADVISORY COMMITTEE

A group of five individuals, chosen by the Town Board, to serve the Town Board in an advisory capacity on matters relating to the WWTP sewer system. Each individual member shall be a resident and/or owner of property connected to the sewer system. Members shall serve at the discretion of the Town Board for terms of three years. The members shall serve without compensation. The Town Board may delegate some or all of its authority or decisionmaking under Articles III and V hereof to this Committee by Board resolution on an annual basis. The Town Board shall consult with the Committee prior to establishing the sewer rent under Article XIII and prior to making allocation determinations under § 103-81B and C.

PHOSPHORUS, TOTAL

See "total phosphorus."

POLLUTANT

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

POLLUTION

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

(POTW) PUBLICLY OWNED TREATMENT WORKS

A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292). This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

POTW TREATMENT PLANT

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

PRETREATMENT (TREATMENT)

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

PRETREATMENT REQUIREMENTS

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

PRETREATMENT STANDARD or NATIONAL PRETREATMENT STANDARD

Any categorical standard or prohibitive discharge standard.

PRIORITY POLLUTANTS

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

PROHIBITIVE DISCHARGE STANDARD

See "national prohibitive discharge standard."

PROPERLY SHREDDED GARBAGE

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

RECEIVING WATERS

A natural watercourse or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

RECORDS

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

ROOF DRAIN

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

SEPTAGE

All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries; also sludge from small sewage treatment plants.

SEPTIC TANK

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

SERVICE AREA OF THE POTW

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

SEWAGE

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

SEWAGE COLLECTION SYSTEM

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

SEWAGE, DOMESTIC (DOMESTIC WASTES)

Liquid wastes from the noncommercial (restaurants and institutions serving food on-premises are not considered commercial for purposes of this definition) preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See "sewage, sanitary.")

SEWAGE, NORMAL

(1) Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

(a) B.O.D. (five-day): 2,090 pounds per million gallons (250 milligrams per liter), or less.

(b) Suspended solids: 2,500 pounds per million gallons (300 milligrams per liter), or less.

(c) Phosphorus: 125 pounds per million gallons (15 milligrams per liter), or less.

(d) Ammonia: 250 pounds per million gallons (30 milligrams per liter), or less.

(e) Total Kjeldahl nitrogen: 417 pounds per million gallons (50 milligrams per liter), or less.

(f) Chlorine demand: 209 pounds per million gallons (25 milligrams per liter), or less.

(g) Chemical oxygen demand: 2,920 pounds per million gallons (350 milligrams per liter), or less.

(h) Oil and grease: 830 pounds per million gallons (100 milligrams per liter), or less.

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

SEWAGE, SANITARY

Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial, and other wastes. (See "domestic wastes.")

SEWAGE, UNUSUAL STRENGTH OR CHARACTER

Sewage which has characteristics greater than those of normal sewage and/or which contains substances of concern in significant concentrations which could result in an exceedance of one or more of the objectives set forth in § 103-3A hereof.

SEWER

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

SEWERAGE SYSTEM or SEWER COLLECTION SYSTEM

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

SEWER, COMBINED

A sewer designed to receive and transport both surface runoff and sewage.

SEWER, PUBLIC

A sewer in which all abutting property owners have equal rights to its use.

SEWER, SANITARY

A sewer which carries sewage, and to which storm-, surface, and groundwater are not intentionally admitted.

SEWER, STORM (STORM DRAIN)

A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

SHANDAKEN WWTP or MUNICIPAL WWTP

The owned wastewater treatment plant that, with its sewage collection system, comprises a part of the Town wastewater collection and treatment facilities. For purposes of this chapter, all references to discharges to the Shandaken WWTP or the municipal WWTP shall include discharges to the WWTP's sewage collection system except where specifically stated otherwise.

SIGNIFICANT INDUSTRIAL USER

See "user, significant industrial."

SIGNIFICANT NONCOMPLIANCE (SNC)

A user is in significant noncompliance if its violation(s) meet(s) one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those, in 66% or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those, in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease; TRC equals 1.2 for all other pollutants);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Inspector, after consultation with appropriate agencies, determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Inspector's exercise of its emergency authority under Article IX (Enforcement; Penalties) of this chapter;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to report accurately any noncompliance;
- (8) Any intentional discharge of stormwater or groundwater into house laterals or directly into sewer mains; and
- (9) Any other violation which the Inspector, after consultation with appropriate agencies, determines will adversely affect the implementation or operation of the local pretreatment program.

SLUG

A substantial deviation from normal rates of discharge or constituent concentration (See "normal sewage") sufficient to cause interference.

STANDARD INDUSTRIAL CLASSIFICATION (SIC)

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

STANDARD METHODS

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

STATE

State of New York.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT

Permit issued by the New York State Department of Environmental Conservation regulating the discharge of pollutants from new or existing outlets or point sources into the waters of the state.

STATE'S WATERS

See "waters of the state."

STORMWATER

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

SUBSTANCES OF CONCERN

Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to people or the environment including the Parameters of Concern listing in Appendix B. *Editor's Note: Appendix B is included at the end of this chapter.*

SUMP PUMP

A machine used for removing standing water from one location and disposing it elsewhere.

SUSPENDED SOLIDS

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

TEN STATES STANDARDS (10 STATES STANDARDS)

Latest edition of Recommended Standards for Wastewater Facilities by the Great Lakes-Upper Mississippi Board of State and Provincial Health and Environmental Managers.

TOTAL KJELDAHL NITROGEN (TKN)

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

TOTAL PHOSPHORUS

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

TOWN

The Town of Shandaken, an incorporated municipality of the State of New York.

TOXIC SUBSTANCES

Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to the POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point.

USER

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

USER, CATEGORICAL INDUSTRIAL (CIU)

An industrial user of the POTW that is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

USER, EXISTING

A discharger to the POTW who is discharging on or before the effective date of this chapter.

USER, INDUSTRIAL

A discharger to the POTW who discharges nondomestic wastewater.

USER, NEW

A discharger to the POTW who initiates discharge after the effective date of this chapter.

USER, SIGNIFICANT INDUSTRIAL (SIU)

An industrial user of the POTW who is:

(1) A CIU; or

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

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

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

WASTEWATER

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

WASTEWATER DISCHARGE PERMIT

A permit that is granted that allows a connection to be made to the sewer collection system.

WASTEWATER TREATMENT AND SEWAGE COLLECTION SYSTEM

Wastewater treatment plant and any sewers, laterals, and other appurtenances that transport wastewater to the treatment plant.

WASTEWATER TREATMENT PLANT (WWTP)

That portion of a wastewater treatment and sewage collection system or POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment. Includes privately owned treatment plants.

WASTEWATER, UNUSUAL STRENGTH OR CHARACTER

See "sewage, unusual strength or character."

WATERSHED (NEW YORK CITY WATERSHED)

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

WATERS OF THE STATE (STATE'S WATERS)

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

§ 103-6. Abbreviations.

The following abbreviations shall have the designated meanings:

| | |
|-----------|--|
| ANSI | - American National Standards Institute. |
| ASTM | - American Society for Testing and Materials. |
| AWWA | - American Water Works Association. |
| BOD | - Biochemical oxygen demand. |
| CFR | - Code of Federal Regulations. |
| CPLR | - Code of Public Law and Rules. |
| COD | - Chemical oxygen demand. |
| EPA | - Environmental Protection Agency. |
| l | - Liter. |
| Mg | - Milligram. |
| Mg/l | - Milligrams per liter. |
| NCPI | - National Clay Pipe Institute. |
| NPDES | - National pollutant discharge elimination system. |
| NYCDEP | - New York City Department of Environmental Protection. |
| NYSDEC | - New York State Department of Environmental Conservation. |
| NYSDOH | - New York State Department of Health. |
| NYSDOT | - New York State Department of Transportation. |
| P | - Total phosphorus. |
| PSI | - Pounds per square inch. |
| PPM | - Parts per million, weight basis. |
| SIC | - Standard industrial classification. |
| SPDES | - State pollutant discharge elimination system. |
| SWDA | - Solid Waste Disposal Act, 42 U.S.C § 690 L, et seq. |
| TSS | - Total suspended solids. |
| U.S.C. | - United State Code of Laws. |
| USEPA | - United State Environmental Protection Agency. |
| WWTP BLE) | - Wastewater treatment plant. |

§ 103-7. Undefined terms.

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

Article III. Use of Public Sewers Required

§ 103-8. Connecting private sewage system to storm drain.

No person shall connect a private sewage system so that sewage flows into a storm drain intended exclusively for stormwater.

§ 103-9. Stormwater discharge into sewer system.

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

§ 103-10. Discharge of sewage into well.

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

§ 103-11. Wastewater discharge to natural outlet.

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

§ 103-12. Wastewater disposal system required for building permit.

No property owner, builder, or developer shall be issued a building permit for a new, modified, or expansion of existing dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this chapter, is available. All housing construction or building development which takes place after this chapter is enacted shall provide for an approved system of sanitary sewers or other approved system for wastewater treatment. Each new connection to the sewage collection system or expanded discharge is subject to the requirements of Article XII herein.

§ 103-13. Connection to public sewer required.

A. Private wastewater disposal unlawful. Connection to the sanitary sewers will be required unless exempted and/or otherwise agreed to by the Town Board.

B. Connection to public sewer required. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the service area of the POTW, and which have access to a public sewer, is hereby required to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within 90 days after official notice to do so, except as otherwise provided in accordance with Subsection A or C hereof.

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

§ 103-14. Limitation on use of public sewers.

A. The use of public sewers shall be strictly limited and restricted, except as provided in § 103-13C above, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the Shandaken WWTP sewer System or such other locations as approved by the Shandaken Town Board.

B. Wastewater from outside the municipal WWTP sewer system service area and intermunicipal agreements. The Shandaken Town Board shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the municipal WWTP sewer system. Subject to applicable law, the Town Board shall, in its sole and absolute

discretion, after consultation with the Town Engineer or consulting engineer, determine the requirements for any proposed out-of-district connection user, including requirements for pretreatment of waste.

§ 103-15. Moratorium on connections.

If the Town Board determines that one or more segments of the municipal WWTP sewer system or treatment plant is exceeding its hydraulic capacity at any time, any specific purpose of this chapter is being violated, and/or there are capacity concerns at the sewage treatment plant, the Town Board shall have the authority to limit or deny new connections to the municipal WWTP sewer system or treatment plant until the conditions leading to the moratorium are corrected. Such corrections may be, but are not limited to:

- A. Construction of new facilities;
- B. Enlarging existing facilities;
- C. Correction of inflow and infiltration; and
- D. Cleaning and repairing of existing facilities.

Article IV. New Sewers or Sewer Extensions

§ 103-16. Proper design required.

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

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

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

§ 103-17. Approval; fees; inspection; testing; reporting.

A. When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Inspector. Except where otherwise required by law, the property owner, builder, or developer shall pay for the entire installation, including, where appropriate, a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Town expenses incidental thereto (including engineering and oversight costs). Each street lateral shall be installed and inspected pursuant to Article V herein, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in § 103-18 herein, and in conformance with ASTM Specification D-3034 and D-2321-83 unless otherwise approved by the Inspector.

The installation of the sewer shall be subject to periodic inspection by the Inspector, without prior notice. The Inspector, shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, in the discretion of the Inspector, must pass the infiltration test (or the exfiltration test, with prior approval), specified in Appendix A, Section 4, *Editor's Note: Appendix A is included at the end of this chapter.* before any building lateral is connected thereto. The Inspector shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Town Board until such construction inspections have been made so as to assure the Town Board of compliance with this chapter and any amendments or additions thereto. The Inspector has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Inspector shall report all findings of inspections and tests to the Town Board.

B. Plans, specifications, and methods of installation shall conform to the requirements of this article. Components and materials of wastewater facilities not covered in this chapter, such as pumping stations, lift stations, or force mains shall be designed in a manner acceptable to the Inspector, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Appendix A, Section 11. *Editor's Note: Appendix A is included at the end of this chapter.* When requested, the applicant shall submit to the Inspector all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished upon request. Any and all costs incurred by the Town to review, inspect, process and administer a new connection is chargeable to the property owner, building and/or developer.

§ 103-18. Pipes; installation.

A. Sewer pipe.

(1) Sewer pipe material shall be:

(a) Cast iron pipe, extra heavy. Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A-74 or ANSI A-21.11. Gaskets shall conform to ASTM Specification C-564.

(b) Polyvinyl Chloride (PVC) Pipe, ASTM SDR-35 or SDR-26 (Heavy Wall).

[1] Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM.

[2] Specification D-1784 pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of 5%.

[a] ANSI/ASTM, D3034, (four inches to 15 inches).

[b] ASTM, F 679 TYPE I, (18 inches to 27 inches).

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

(d) Acrylonitrile butadiene-styrene (ABS) pipe. Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

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

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

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

(4) Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled joint, such that the requirements of Appendix A *Editor's Note: Appendix A is included at the end of this chapter.* are met.

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

(6) Wye branch fittings, as approved by the Inspector, shall be installed, for connection of street laterals, in accordance with § 103-26.

(7) The Inspector, may approve different plans, subject to the review under § 103-18C.

B. Safety and load factors.

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

(a) Safety factor: 1.5.

(b) Load factor: 1.7.

(c) Weight of soil: 120 pounds per cubic foot.

(d) Wheel loading: 16,000 pounds.

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

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

C. Sewer pipe installation. Engineering plans for all sewer and sewer extensions shall be submitted to the Town Board for review and approval. The plans will be reviewed by an independent professional engineer for consistency with the 10 States Standards and good engineering judgment. If the plans are designed and installed in compliance with the 10 States Standards (or applicable successor), the professional engineer shall approve said plans indicating such compliance. The cost of the review will be charged to the applicant. The installation procedures, design standards and test methods referenced in Appendix A *Editor's Note: Appendix A is included at the end of this chapter.* hereto are to be used unless otherwise approved by the Town Board.

Article V. Building Laterals; Street Laterals; Connections; Fees

§ 103-19. 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 form the Inspector.

§ 103-20. Inflow/infiltration prohibited.

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

§ 103-21. Sewer lateral permits.

A. There shall be two classes of lateral permits:

(1) For residential, commercial, and institutional service.

(2) For service to establishments producing industrial wastes.

B. In either case, a permit application shall be submitted to the Inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Inspector. A fee by resolution, for residential, commercial, institutional and industrial users, as established by the Town Board, shall accompany the application.

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

§ 103-22. New building laterals.

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

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

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

§ 103-23. Dry sewers.

Dry sewers shall be designed and installed in accordance to this chapter.

§ 103-24. Use of existing building laterals.

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

§ 103-25. Lateral pipe materials.

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

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

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

B. Unless otherwise approved by the Town Board, any part of the building or street lateral that is located within five feet of a water main shall be constructed of cast-iron soil pipe. If installed on fill or unstable ground, the building or street lateral shall be uniformly supported on a poured concrete cradle approved by the Inspector. Pipe should be centered over water mains with a minimum separation distance of 18 inches. The distance between consecutive joints, as measured along the center line of the installed pipe, shall not be less than 10 feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Inspector. The size and slope of building and street laterals shall be subject to approval by the Inspector, but in general, the internal pipe diameter shall be no less than four inches, nor shall the pipe slope be less than 1/8 inch per foot unless approved by the Inspector.

§ 103-26. Street laterals.

A. Street lateral to public sewer connection.

(1) At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient 1/8 (forty-five-degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the arm shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

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

B. Future connection locations; as-built drawings. The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer, for each proposed lot, as necessary, upon approval of the proposed development. Laterals installed for future development shall be fitted with a standard plug approved for use by the Inspector. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a two-inch by four-inch pressure treated board and/or a two-foot long, one-half-inch diameter steel reinforcing rod. The marker board shall extend from the depth of the lateral to a minimum of two feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three tie lines indicated. Four copies of this drawing, showing the as-built location of these connections, shall be furnished to the Inspector. A refundable deposit shall be placed with the Town to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be \$100 per sheet of plans showing locations of lateral connections. No lateral shall be accepted by the Town until four copies of this record drawing have been so filed with the Inspector and the Inspector has approved the submitted drawings. The Town reserves the right to require that the property owner and/or its contractor, as part of its final submission, provide the Town with sufficient data for the input of the sewer lateral location in a GIS system maintained by the Town.

C. Special manhole requirements. When any street lateral is to serve a school, hospital, public housing or similar institution, which, in the opinion of the Inspector, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street

lateral shall be connected to the public sewer through a manhole. The Inspector shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Inspector. If required, a new manhole shall be installed in the public sewer and the lateral connection made thereto as directed by the Inspector.

§ 103-27. Laterals at and near buildings.

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

B. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. At the option of the homeowner, and with the approval of the Inspector, cleanout may be terminated just below grade, but contractor and homeowner must provide three measured as-built ties on a sketch to the Building Inspector. Changes of direction of 90° or greater shall be made with a wye fitting and cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 100 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

§ 103-28. Sewage lifting.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral on approval of the Inspector. Any such sewage lifting or low-pressure house/building lateral shall not be connected directly to a gravity main sewer but shall be made to a manhole, unless the low-pressure lateral connection to the street lateral receives no other gravity sewer connections. The Inspector shall have the authority to waive or to modify these requirements, where he/she has determined such waiver or modification to be appropriate.

§ 103-29. Lateral pipe installation.

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with ASTM Specification D-2321-83, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, preferably four feet, but in no case shall such depth be less than two feet. Where it is physically impossible to provide cover of two feet, the pipe shall be insulated with rigid installation board as approved by the Inspector.

§ 103-30. Joints.

A. Watertight joints. All joints and connections shall be made watertight.

B. Ductile iron mechanical joints. Mechanical joints made of ductile iron pipe, or an equivalent type of material, shall be used where separation distance to a water main or water service is at issue, or where existing soil conditions warrant. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and any special pipe coupling tools designed for that purpose. The plain spigot end or cut end shall be inserted full depth into the coupling with the gasket pushed into the collar joint between

pipe and coupling and the retainer gland securing the gasket in place. The lubricant shall be a bland, flax-base, nontoxic material, and shall not chemically affect the gasket material.

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

D. PVC push joints. Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in § 103-25.

§ 103-31. Connection of building lateral and street lateral.

A. Building lateral/street lateral connection.

(1) The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under § 103-17, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by a plumber or pipe layer, at the property owner's expense. The street lateral shall be installed with a properly sealed and covered cleanout to grade located at the property line. The cleanout shall terminate in a metal box imbedded in concrete.

(2) The cost of constructing the street lateral from the existing public sewer to the property line or easement shall be at the property owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the property owner. The property owner shall pay for the cost of constructing the lateral from the sewer system up to and including the house connection. Within the easement, only the Town will make connections and/or disturbances affecting sewer mains at the property owner's expense plus 10% to cover administrative costs.

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

(4) Except those laterals maintained by the Town pursuant to an enforceable contract, it shall be the responsibility of the property owner, as owner of the lateral, to maintain, repair, or replace any building lateral, as needed.

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

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

C. Street lateral replacement; ownership. Any existing street lateral that is connected to the municipal WWTP sewer system which, upon examination by the Inspector, is determined to be in need of replacement will be replaced with a new street lateral with a property line cleanout. The replacement street lateral shall be constructed by a plumber where applicable. The cost of constructing the replacement street lateral and cleanout shall be at the Town's expense. Any repairs to new street laterals shall be made by the Town at the Town's expense.

§ 103-32. Testing.

Laterals shall be tested for infiltration/exfiltration by:

A. Any full pipe method described in Appendix A, Section 4; *Editor's Note: Appendix A is included at the end of this chapter.* or

B. A suitable method, with the prior written approval of the Inspector.

§ 103-33. Inspections.

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

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

§ 103-34. Public safety provisions required; restoration of disturbed areas.

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Inspector. When installation requires disturbance of paved public roads and shoulders, temporary restoration shall include compacted backfilling to road grade. Shortly thereafter the applicant shall perform permanent restoration of pavement, base, subbase and shoulders and/or curbs in accordance with the standards of the road owner, pursuant to permits obtained by the applicant from the road owner.

§ 103-35. Interior cleanout.

A. An interior cleanout fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall.

B. The cleanout diameter shall be no less than the building lateral diameter.

§ 103-36. Costs borne by owner.

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

§ 103-37. Capping connections where structures are demolished or destroyed.

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

Article VI. Inflow

§ 103-38. New inflow sources prohibited.

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

§ 103-39. Existing inflow sources to be disconnected.

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

§ 103-40. Existing inflow sources to be disconnected when property sold.

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

§ 103-41. Reconnection of inflow source prohibited.

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

Article VII. Discharge Restrictions

§ 103-42. Pretreatment standards.

All users of the municipal WWTP sewer system will comply with all standards and requirements of the Clean Water Act (the Act) and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 403 - 471. (NOTE: In certain cases, industrial wastewater effluent limitations, pretreatment processes, and treatment design may be subject to review by NYSDEC.)

§ 103-43. General prohibited discharges.

A. No user shall contribute or cause to contribute, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the municipal WWTP sewer system. These general prohibitions apply to all such users of the municipal WWTP sewer system whether or not the user is subject to national categorical pretreatment standards, or any other national, state, or local pretreatment standards or requirements.

B. Without limiting the generality of the foregoing, a user may not contribute the following substances to the municipal WWTP sewer system:

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

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than 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, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the municipal WWTP sewer system was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or municipal WWTP sewer system personnel.

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

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

(6) Oils and grease. Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to 10° C. (50° F.); any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass-through.

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

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

(9) Any solid, liquid, vapor, or gas having a temperature higher than 65° C. (150° F.); however, such materials shall not cause the municipal WWTP sewer system influent temperature to be greater than 40° C. (104° F.). The Inspector reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65° C.

(10) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

(11) Any wastewater containing any radioactive wastes except as approved by the Inspector and in compliance with applicable state, federal and New York City regulations.

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

(13) Any wastewater with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.

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

§ 103-44. Concentration based limitations.

A. No person shall discharge, directly or indirectly, into the municipal WWTP sewer system, abnormal sewage or industrial wastewater containing any of the following substances in concentrations exceeding those specified on either a daily or an instantaneous basis by permit as provided for in Article 8. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the municipal WWTP sewer system (end-of-pipe concentrations) and may include one or more of the following parameters:

(1) Antimony.

(2) Arsenic.

(3) Barium.

(4) Beryllium.

(5) Bromine.

(6) Cadmium.

(7) Chlorides.

(8) Chromium (hex).

(9) Chromium (tot).

(10) Cobalt.

(11) Copper.

(12) Cyanide (complex).

(13) Cyanide (free).

(14) Fluorides.

(15) Gold.

(16) Iodine.

(17) Iron.

(18) Lead.

(19) Manganese.

(20) Mercury.

(21) Molybdenum.

(22) Nickel.

(23) Phenols, total.

(24) Selenium.

(25) Silver.

(26) Sulfates.

(27) Sulfides.

(28) Tin.

(29) Titanium.

(30) Vanadium.

(31) Zinc.

B. 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 two or less, without prior filtration.

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

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

E. Other substances which may be limited are:

(1) Alkanes, alkenes and alkynes;

- (2) Aliphatic and aromatic alcohols and acids;
- (3) Aliphatic and aromatic aldehydes and ketones;
- (4) Aliphatic and aromatic esters;
- (5) Aliphatic and aromatic halogenated compounds;
- (6) Aliphatic and aromatic nitro, cyano and amino compounds;
- (7) Antibiotics;
- (8) Benzene derivatives;
- (9) Chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the municipal WWTP sewer system, produce toxic, flammable, or explosive compounds;
- (10) Pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides, phthalates;
- (11) Polyaromatic and polynuclear hydrocarbons;
- (12) Total toxic organic, TTO, as defined in 40 CFR 433.11;
- (13) Toxic organic compounds regulated by federal pretreatment standards;
- (14) Unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group; and/or
- (15) Viable pathogenic organisms from industrial processes or hospital procedures.

§ 103-45. Mass discharge based limitations.

A. With respect to any significant industrial user, the Inspector shall determine as part of the permit issued pursuant to Article VIII the total allowable influent load for one or more of the substances listed in § 103-44. In determining the total load of each substance that significant industrial users shall be allowed to discharge, the Inspector shall consider:

- (1) The quantities of each substance that are uncontrollable because they occur naturally in wastewater;
- (2) The quantities of each substance that are anthropogenic but are nonetheless uncontrollable;
- (3) Historical discharge trends;
- (4) Past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;
- (5) Potential for growth in the municipal WWTP sewer system service area;
- (6) Potential for more restrictive regulatory requirements to be placed on the municipal WWTP sewer system discharge or sludge disposal or sludge reuse method; and

(7) Treatability of the substance.

B. The Inspector may apply a minimum fifteen-percent safety factor to be protective of the municipal WWTP sewer system.

§ 103-46. Modification of limitations.

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

(1) The limitations in the permit are not sufficient to protect the municipal WWTP sewer system;

(2) The limitations in the permit are not sufficient to enable the municipal WWTP sewer system to comply with applicable water quality standards or the effluent limitations specified in the municipal WWTP sewer system's SPDES permit;

(3) The municipal WWTP sewer system sludge will be rendered unacceptable for disposal or reuse as the Town desires, as a result of discharge of wastewaters at the above-prescribed concentration limitations;

(4) Municipal employees or the public will be endangered; or

(5) Air pollution and/or groundwater pollution will be caused.

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

§ 103-47. Access to records.

The Inspector shall have the authority to copy any record related to wastewater discharges to the municipal WWTP sewer system.

§ 103-48. Dilution.

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

B. Dilution flow shall be considered to be inflow.

§ 103-49. Grease, oil, and sand interceptors.

A. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Inspector, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. Grease traps shall be required for all food service and restaurant establishments.

B. All interceptors shall be of a design consistent with any standards established by NYSDEC or NYSDOH and shall be of a type and capacity approved by the Inspector, and shall be so located to be easily accessible

for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

§ 103-50. Solid waste grinders.

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the municipal WWTP sewer system.

§ 103-51. Rejection of wastewater.

The Town Board may reject a user's wastewater, on recommendation of the Inspector, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the municipal WWTP sewer system and its processes, or on the receiving water, or which constitute a public nuisance or hazard. (See § 103-67.)

Article VIII. Discharge Permits and Pretreatment Requirements

§ 103-52. Wastewater discharge reports.

As a means of determining compliance with this chapter, with applicable SPDES permit conditions, and with applicable state and federal law, each industrial user shall be required to notify the inspector of any new or existing discharges to the municipal WWTP sewer system by submitting a completed industrial chemical survey (ICS) form and a completed industrial wastewater survey (IWS) form to the Inspector. The Inspector may require any user discharging wastewater into the municipal WWTP sewer system to file wastewater discharge reports and to supplement such reports as the Inspector deems necessary. All information shall be furnished by the user in complete cooperation with the Inspector.

§ 103-53. Notification to industrial users of standards.

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

§ 103-54. Wastewater discharge permits required.

A. Wastewater discharges. No significant industrial user or discharger of abnormal sewage and dischargers of sewage of unusual strength or character shall discharge wastewater to the municipal WWTP sewer system without having a valid wastewater discharge permit issued by the Inspector. Such users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter.

B. Wastewater discharge permits required for significant industrial users. All significant industrial users or dischargers of abnormal sewage and dischargers of sewage of unusual strength or character proposing to connect to or to discharge to the municipal WWTP sewer system shall obtain a wastewater discharge permit before connecting to or discharging to the municipal WWTP sewer system.

C. Other industrial users. The Inspector may require and issue wastewater discharge permits to other industrial users of the municipal WWTP sewer system.

D. Discharge permits to storm sewers not authorized. There shall be no discharge of any wastewater to a storm sewer without an appropriate SPDES permit.

§ 103-55. Wastewater discharge permits.

A. Application for wastewater discharge permits.

(1) Users required pursuant to § 103-54 to obtain a wastewater discharge permit shall complete and file with the Inspector an application in the form prescribed by the Town. The application shall be accompanied by a fee, as determined by the Town Board by resolution to address the administrative costs of processing the application. In support of any application, and as deemed necessary by the Inspector, the user shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location (if different from the address).

(b) SIC code of both the industry and any categorical processes.

(c) Wastewater constituents and characteristics, including but not limited to those mentioned in Article VII of this chapter and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with standard methods.

(d) Time and duration of the discharge.

(e) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.

(g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the municipal WWTP sewer system.

(h) Each product produced by type, amount, process or processes, and rate of production.

(i) Type and amount of raw materials processed (average and maximum per day).

(j) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.

(k) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards.

(l) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

[1] 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).

[2] No increment referred to in Subsection A(1)(1)[1] above shall exceed nine months, nor shall the total compliance period exceed 18 months.

[3] No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Inspector, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Inspector.

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

(2) The Inspector will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

B. Permit modifications.

(1) Wastewater discharge permits may be modified by the Inspector upon 30 days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:

(a) Promulgation of an applicable national categorical pretreatment standard;

(b) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;

(c) Changes in general discharge prohibitions and local limits as per Article VII of this chapter;

(d) Changes in processes used by the permittee, or changes in discharge volume or character;

(e) Changes in design or capability of any part of the municipal WWTP sewer system;

(f) Discovery that the permitted discharge causes or contributes to pass-through or interference; and

(g) Changes in the nature and character of the sewage in the municipal WWTP sewer system as a result of other permitted discharges.

(2) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Subsection A(1)(1)[1].

C. Permit conditions. Wastewater discharge permits shall be expressly subject to all the provisions of this chapter, and all other applicable regulations and user charges and fees established by the Town. Permits may contain the following:

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

(2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.

(3) The unit charge or schedule of user charges and fees for the-management of the wastewater discharged to the municipal WWTP sewer system.

(4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.

(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(6) Compliance schedules.

(7) Requirements for submission of technical reports or discharge reports.

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Town and affording the access thereto.

(9) Requirements for notification of the Town of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the municipal WWTP sewer system.

(10) Requirements for the notification of the Town of any change in the manufacturing and/or pretreatment process used by the permittee.

(11) Requirements for notification of excessive, accidental, or slug discharges.

(12) Other conditions as deemed appropriate by the Town to ensure compliance with this chapter, state and federal laws, rules, and regulations, and for discharges to sewers and WWTPs in the watershed, the NYC Rules and Regulations.

D. Permit duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years.

E. Permit reissuance. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Inspector during the term of the permit as limitations or requirements, as identified in Subsection B, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Subsection A(1)(l)[1].

F. Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation with the approval of the Town Board, which will not be unreasonably withheld.

G. Permit revocation. Wastewater discharge permits may be revoked for the following reasons:

(1) Falsifying self-monitoring reports;

(2) Tampering with monitoring equipment;

- (3) Refusing to allow the Inspector timely access to the industrial premises;
- (4) Failure to meet effluent limitations;
- (5) Failure to pay fines;
- (6) Failure to pay user charges; and
- (7) Failure to meet compliance schedules.

§ 103-56. Reporting requirements for permittee.

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

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

B. Baseline monitoring report. Within 180 days after promulgation of an applicable federal categorical pretreatment standard, a user subject to that standard shall submit to the Inspector the information required by § 103-55A(1)(h) and (i).

C. Ninety-day compliance report. Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the municipal WWTP sewer system, any user subject to pretreatment standards and requirements shall submit to the Inspector a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user.

D. Periodic compliance reports.

- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the municipal WWTP sewer system, shall submit to the Inspector, during the months of June and December, unless required more frequently in the pretreatment standard or by the Inspector, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 103-55A. At the discretion of the Inspector, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Inspector may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.
- (2) The Inspector, after consultation with appropriate agencies, may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection B shall

indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Inspector, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with standard methods by a laboratory certified by NYSDOH to perform the analyses.

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

F. Other reports. The Inspector may impose reporting requirements equivalent to the requirements imposed by Subsections B through E for users not subject to pretreatment standards.

§ 103-57. Flow equalization.

No person shall cause the discharge of slugs to the municipal WWTP sewer system. Each person discharging, into the municipal WWTP sewer system greater than 100,000 gallons per day or greater than 5% of the average daily flow in the municipal WWTP sewer system, whichever is less unless otherwise waived by the Town Board, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Inspector. A wastewater discharge permit may be issued solely for flow equalization.

§ 103-58. Monitoring stations.

A. All significant industrial users and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

B. If there is more than one street lateral serving an industrial user, the Inspector may require the installation of a control manhole on each lateral.

C. The Inspector, after consultation with appropriate agencies, may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall provide for and allow immediate access, without prior notice, to the station by the Inspector, or his designated representative.

§ 103-59. Proper design and maintenance of facilities and monitoring stations.

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization, or monitoring facilities at the time this chapter is enacted, the Inspector may approve or disapprove the adequacy of such facilities. where the Inspector, after consultation with appropriate agencies, disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such

facilities shall be prepared by a licensed professional engineer and submitted to the Inspector. Construction of new or upgraded facilities shall not commence until written approval of the Inspector has been obtained.

§ 103-60. Vandalism; tampering with measuring devices.

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

- A. Any structure, appurtenance, or equipment which is a part of the municipal WWTP sewer system; or
- B. Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this chapter except as approved by the Inspector.

§ 103-61. Sampling and analysis.

- A. Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- B. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this chapter 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 § 103-58, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as flow-proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

§ 103-62. Accidental discharges; SPCC plan.

A. Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit. Users shall immediately notify the Inspector of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:

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

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

C. When required by the Inspector, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Inspector for approval. These plans and procedures shall be called a spill prevention, control, and countermeasure (SPCC) plan. The plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the municipal WWTP sewer system of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any national prohibitive discharge standard; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

§ 103-63. Posting notices.

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

§ 103-64. Sample splitting.

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

§ 103-65. Public access to information maintained by Inspector.

A. When requested, the Inspector shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Inspector, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user.

B. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this chapter, or the SPDES permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Inspector shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

§ 103-66. Access for inspections, liability.

A. Access to property and records. The Inspector and other authorized representatives of the Town, representatives of EPA, NYSDEC, NYSDOH, or the county, and bearing proper credentials and

identification, shall be permitted to enter upon all nonresidential properties at reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the municipal WWTP sewer system, and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

B. Access to easements. The Inspector, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Town public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

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

§ 103-67. Special agreements.

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

- (1) Pass through or cause interference;
- (2) Endanger the public municipal employees;
- (3) Cause violation of the SPDES permit;
- (4) Interfere with any purpose stated in § 103-2 herein; and
- (5) Prevent the equitable compensation to the Town for wastewater conveyance and treatment, and sludge management and disposal.

B. No discharge which violates the federal pretreatment standards will be allowed under the terms of such special agreements.

C. No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the municipal WWTP sewer system for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Town before the agreement is entered into. The Town Board may condition the agreement.

Article IX. Enforcement; Penalties

§ 103-68. Enforcement response plan.

A. The Inspector shall prepare an enforcement response plan. The enforcement response plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by users of the POTW. All violations by users of the POTW may be subject to some type of enforcement response. The response shall be comprehensive and effective.

B. The enforcement response plan shall:

(1) Describe how the Inspector will investigate instances of noncompliance.

(2) Describe the types of escalated enforcement actions that the Inspector will take in response to all anticipated types of user violations and the time periods within which to initiate and follow-up these actions.

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

C. The enforcement response plan shall contain:

(1) Criteria for scheduling periodic inspection and/or sampling visits to POTW users.

(2) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.

(3) Systems to track due dates, compliance schedule milestones, and pending enforcement actions.

(4) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.

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

E. The Town Board shall approve the enforcement response plan. The enforcement response plan shall be reviewed at least every five years.

F. The enforcement response plan shall provide public notification, in the daily newspaper selected by the Town Board, of users which were in significant noncompliance of local or federal pretreatment standards since the last such notice. The frequency of such notices shall be at least once per year.

§ 103-69. Administrative remedies.

A. Notification of violation. Whenever the Inspector finds that any user has violated or is violating this chapter, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this chapter, the Inspector may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Inspector mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Inspector by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

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

C. Administrative or compliance orders.

(1) When the Inspector finds that user has violated or continues to violate this chapter or a permit or administrative order issued thereunder, he may issue by personal service or registered mail an administrative order to the user responsible for the discharge that orders one or more of the following: imposes a penalty pursuant to Subsection D; imposes a cease-and-desist order pursuant to Subsection E; or directing that, following a specified time period, sewer service shall be discontinued, severed and abated in accordance with Subsection F unless the violation is corrected and that there is no reoccurrence of the violation. Administrative 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.

(2) The user may, within 15 calendar days of receipt of such order, petition the Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Inspector by registered mail. Within 10 calendar days of receipt of the petition, the Inspector shall issue a written decision either rejecting any frivolous petitions, or modifying or suspending the order. Within 15 calendar days of receipt of the Inspector's decision, the user may seek a hearing pursuant to Subsection G hereof.

D. Administrative fines. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

E. Cease-and-desist orders. When the Inspector finds that a user has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Inspector may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith.

(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.

F. Termination of permit. Any user who violates the following conditions of this chapter or a wastewater discharge permit or administrative order, or any applicable state and federal law, is subject to permit termination and/or discontinuance of sewer service:

(1) Violation of permit conditions or conditions of an administrative order;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater constituents and characteristics;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(5) Failure to pay administrative fines, fees or user charges.

G. Show-cause hearing.

(1) Within 10 days after receipt of the request of hearing, the Inspector shall serve a notice on the user specifying the time and place of a hearing to be held by the Town Board regarding the violation, a summary of the reasons why the action is to be taken and a summary of the evidence in support of the violation. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with this Subsection I of this section. Copies of such notice shall be provided to the property owner.

(2) The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing who may then:

(a) Issue, in the name of the Town Board, notices of hearings compelling the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Take sworn testimony;

(d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

(3) After the Town Board has reviewed the evidence and testimony, it may order the user to comply with the Inspector's order or fine, modify the Inspector's order or fine, or vacate the Inspector's order or fine.

H. Failure of user to petition the inspector. In the event the Inspector issues any administrative order, terminates the user's permit, or makes any fine as set forth in this article, and the user fails, within the designated period of time set forth, to petition the Inspector, as provided in appropriate sections of this article or to seek a hearing, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

I. Notice. The notices, orders, petitions, or other notification which the user or Inspector shall desire or be required to give pursuant to any sections of this chapter shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the user pursuant to the sections of this chapter shall be mailed to the user where the user's effluent is discharged into transmission lines to the municipal WWTP sewer system. Any notice, petition, or other communication mailed to the Inspector shall be addressed and mailed to the Town Hall of the Town.

J. Right to choose multiple remedies. The Inspector shall have the right to utilize any one or more appropriate administrative remedies set forth in this article. The Inspector may utilize more than one administrative

remedy established pursuant to this article. A hearing hereunder can combine more than one enforcement action.

§ 103-70. Judicial remedies.

A. Civil actions for penalties.

(1) In lieu of the administration enforcement action taken by the Inspector and/or to enforce an administrative order, the Town Attorney, upon approval by the Town Board, may commence a civil action against a user who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any administrative order or determination of the Inspector issued under this chapter or the terms of any permit issued hereunder. In such action, such person shall be liable to the Town for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing. Each violation shall be separate and distinct, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town Attorney, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above-described penalty, the Town may recover all damages incurred by the Town from any persons or users who violate any provisions of this chapter, or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Inspector issued under this chapter, or the terms of any permit issued hereunder. In addition to the above-described damages, the Town may recover all reasonable attorney's fees incurred by the Town in enforcing the provisions of this article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Town may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require.

(3) Such civil penalty may be released or compromised by the Inspector before the matter has been referred to the Town Attorney, and where such matter has been referred to the Town Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town Attorney, with the consent of the Town Board.

B. Court orders.

(1) In addition to the power to assess penalties as set forth in Subsection A above, the Court shall have the power, following the hearing, to issue an order:

(a) Suspending, revoking, or modifying the violator's wastewater discharge permit; or

(b) Enjoining the violator from continuing the violation.

(2) Any such court order shall be sought in an action brought by the Town Attorney, at the request of the Town Board, in the name of the Town, in any court of competent jurisdiction giving precedence to courts local to the Town.

C. Criminal penalties.

(1) Any person who willfully violates any provision of this chapter or any final determination or administrative order of the Inspector made in accordance with this article shall be guilty of a Class A

misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year, or both. 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.

(2) 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 chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year, or both.

(3) No prosecution under this section shall be instituted until authorized by the Town Board, by resolution.

D. Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Town Attorney, as authorized by the Town Board, may petition a court of competent jurisdiction, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of or compels the compliance with any order or determination thereunder by the Inspector.

E. Summary abatement.

(1) Notwithstanding any inconsistent provisions of this chapter, whenever the Inspector finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Inspector, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the municipal WWTP sewer system, or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Inspector may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are 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. As promptly as possible thereafter, not to exceed 15 calendar days, the Inspector shall provide the user an opportunity for a hearing before the Town Board in accordance with § 103-69G.

(2) If the user is not within the geographic boundaries of the Town, the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement or Town-user agreement.

(3) The Inspector, acting upon the belief that an emergency exists, shall be indemnified by the Town against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the municipal WWTP sewer system or the environment.

§ 103-71. Delinquent fines, penalties and service charges.

A. If there shall be any fines, penalties, or other charges due to a violation of this chapter, which are due to the Town or sewer district pursuant to any article or section of this chapter, other than pursuant to Article XIII, which shall remain due and unpaid, in whole or in part, for a period of 20 calendar days from the date of billing by the Town, the same shall constitute a default and interest shall accrue on the unpaid balance at the rate of 2% per month, retroactive to the date of the original billing.

B. In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least 60 calendar days as of November 1 of any year, the Inspector shall report

the names of the defaulting persons to the Town Supervisor, the Town Clerk, the Town Chief Assessor, and the Town Treasurer on or before November 1 of the same year. The Town Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this chapter, to the real property taxes due and owing to the Town in the next succeeding year, and the Town Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.

C. Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the chapter, to the real property taxes due to the county in the next ensuing year.

§ 103-72. Performance bonds.

The Inspector may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder or may require as a condition of reissuance such user to first file with the Town a satisfactory bond, payable to the Shandaken WWTP sewer system, in a sum not to exceed a value determined by the Inspector to be necessary to achieve consistent compliance.

§ 103-73. Liability insurance.

The Inspector may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the municipal WWTP sewer system caused by its discharge.

Article X. Trucked or hauled waste

§ 103-74. Licenses and application.

A. The discharge of trucked or hauled wastes into the sewage system, including public sewers tributary thereto, will be permitted only with the written approval of the Town Board. Applicants for such license shall apply on a form provided by the Town Board. 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 Town Board may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Town Board not to exceed \$100.

B. The licensee of trucked or hauled wastes will also be charged a fee for each dumping in accordance with a fee schedule established by the Town Board, pursuant to a resolution.

§ 103-75. Concurrent requirements.

The applicant for a license to truck 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 Town Board for this purpose shall be for one year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 (364 permit). If, for any reason, the 364 permit is revoked, lapses, or otherwise 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 inspection by the Town Board

and shall be conducted in accordance with the terms and conditions of the license and all local and general laws, ordinances and regulations which are now or may come into effect, and such license may be suspended or revoked at any time by the Town Board for willful, continued or persistent violations thereof.

§ 103-76. Dumping location and timing.

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

§ 103-77. Notification of dumping.

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

Article XI. Public disclosure of POTW operations

§ 103-78. Policy.

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

§ 103-79. Procedural requirements available.

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

§ 103-80. Validity through public inspection.

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

Article XII. Allocation of Sewerage Capacity

§ 103-81. Allocation of sewerage capacity established.

A. New or expanded connections.

(1) The wastewater treatment plant was designed to handle the wastewater flow from the existing development within the sewer district with a ten-percent allocation for growth. As a result, as new development occurs or as uses of existing parcels are modified, there will be a need for additional capacity at the wastewater treatment plant to treat the additional flow. The treatment capacity at the sewage treatment plant is a valuable asset to be used for the betterment of the community. In this article of the Sewer Use Law, the procedure that the Town Board will utilize to make decisions on the allocation of the remaining sewage treatment capacity is set forth. Applicants for new sewer connections and/or existing users making modifications to their improvements that result in significant additional wastewater flow need to obtain an allocation of sewer capacity from the Town Board under this article.

(2) If growth were to occur within the sewer district, the capacity of the wastewater treatment plant may have to be expanded. The cost of the expansion will primarily have to be paid for by the users of the sewer system. In addition, over time, the wastewater treatment plant will need to replace equipment and the replacement cost of that equipment may not be covered by the annual operation and maintenance budget. As a result, the Town needs to develop a capital fund that can be used for the periodic replacement of equipment and any necessary expansions. In order to equitably allocate such costs to the new users or expanded users, this article imposes a surcharge on new connection and/or expansion of existing connection which approximates the cost to the sewer district to replace the capacity absorbed by the new or expanded user.

B. Criteria household connection.

(1) Each new household connection to the sewer collection system or expansion from an existing household connection from a parcel within the Sewer District will require an approval of the Town Board. The Town Board will issue a decision whether or not to issue an approval based upon the following criteria:

- (a) The remaining unallocated capacity of the wastewater treatment plant;
- (b) The density of the development;
- (c) The competing demands for sewer service and the community's needs for other services;
- (d) The timing of the submission;
- (e) The sewer capacity, if any, allocated to said parcel in the Task 2 Report as attached hereto; and
- (f) Any contractual obligations relating to sewer capacity allocation.

(2) Existing households can make improvements to their house without requiring an additional allocation. Additional allocations will be required if an additional EDU is being added. An additional EDU would be required if the modifications being made to the property would allow for the building to be occupied by an additional family unit living separately from the existing unit or units within the building. If additional flow is allocated to a household, it will be allocated in increments of an EDU.

C. Criteria nonhousehold connection.

(1) Each new nonhousehold connection to the sewer collection system or expansion from an existing nonhousehold connection from a parcel within the Sewer District will require an approval of the Town Board. The Town Board will issue a decision whether or not to issue an approval based upon the following criteria:

- (a) The remaining unallocated capacity of the wastewater treatment plant;
- (b) The density of the development;
- (c) The competing demands for sewer service and the community's needs for other services;
- (d) The timing of the submission;
- (e) Impact of the project on the overall quality of life of Town residents;

(f) The sewer capacity, if any, allocated to said parcel in the Task 2 Report, as attached hereto; and

(g) Any contractual obligations relating to sewer capacity allocation.

(2) If an existing nonhousehold connection is making a physical modification to its facility which will require site plan review, it must appear before the Town Board for determination on whether an additional GPD allocation is necessary. At that time, the existing nonhousehold connection will identify its current flow and its projected flow during its peak season and during the Town's peak season. The Board will have to make a determination on whether to allocate additional flow to the property in accordance with the criteria set forth above. If additional flow is allocated to the property, it will be allocated in increments of 75 gallons per day. If an applicant exceeds the allocated GPD during its or the Town's peak season, the applicant will be surcharged for the additional flow in accordance with § 103-82C. The surcharge will be a capital surcharge and not used for annual operation and maintenance. The applicant will have the ability to purchase an additional allocation to address this excess flow.

D. Calculation of unallocated capacity. The Town will maintain a schedule or log showing the unallocated capacity. For purposes of this calculation only, the Town Board will consider as unallocated capacity the difference between the thirty-day average permitted flow and the maximum actual thirty-day average flow that occurred within the past 12 months plus any capacity specifically allocated pursuant to this article of the Sewer Use Chapter to new or expanded users that have not commenced the new or expanded discharge. Unless otherwise specifically stated herein, nothing in this article requires the Town Board to allocate sewer capacity in accordance with the Task 2 GPD. In evaluating and making the decision regarding the flow capacity to be assigned to a potential new or expanded user, the Town Board, in its discretion, shall consider, to the extent appropriate and relevant, the design flow allocations published by the New York State Department of Environmental Conservation for new sewage treatment plants, the actual measured flow for the particular use and the actual measured flow for similar uses within the community.

E. Planning Board site plan approval or subdivision approval. Prior to issuing any subdivision approval and/or site plan approval to a parcel within the sewer district and/or prior to issuing a building permit to a parcel within the sewer district, the development of which in accordance with the approval would result in an increase in sewage discharge or a new connection, the Planning Board and/or the Code Enforcement Officer shall refer the applicant/property owner to the Town Board for a sewer collection allocation in accordance with this article. The Town Board's issuance and/or denial of a sewer allocation is not intended to be proof of or support for or against an application before the Planning Board; it shall, however, be evidence as to whether the proposed project needs to make alternative arrangements for sewage disposal.

F. State Environmental Quality Review Act. For purposes of compliance with the State Environmental Quality Review Act, Environmental Conservation Law, Article 8, as authorized under 6 NYCRR 617.(5)(b), the Town Board's approval and/or denial of a sewer allocation under this article to a parcel within the sewer district is a Type 2 action under SEQRA. (Note that the construction and operation of the sewage collection system and treatment plant were fully addressed in a SEQRA process and an allocation approval or disapproval is not to be construed as or evidence of Town Board approval of the project; said project must still obtain whatever approvals are required as a matter of law.)

G. Procedure. The Town Board shall issue its decision within 60 days of the submission of a complete application. At its own discretion, the Town Board may extend review period beyond 60 days in order to obtain more information regarding the criteria set forth above. The Town Board, in its discretion, may conduct a public hearing prior to making a determination. In all cases, the applicant shall have the right to appear at the Town Board meeting and/or hearing (if held) to present his/her case.

H. Application fee. There is an application fee of \$50 per application. The fee is due with the submission of the application and is nonrefundable. In addition to the application fee, the Town Board reserves the right to

charge the applicant for any out-of-pocket costs actually incurred by the Town Board or the Sewer District in retaining consultants to evaluate the application relative to the criteria set forth above.

I. Conditions. The Town Board may condition an allocated GPD to contain one or more of the following conditions:

- (1) Equalization installed on the parcel at the rate of 1 1/2 the allocated GPD or at such other amount as determined by the Town Board, at the cost of the owner;
- (2) Equalization is discharged only during off-peak hours or as directed by the person designated by the Town Board;
- (3) Water saving measures;
- (4) Seasonal use limitations;
- (5) Such other conditions as the Town Board deems as reasonable and necessary to protect and preserve the capacity of the sewage treatment;
- (6) Providing monthly monitoring of flow and/or other parameters;
- (7) An expiration date for the allocation by which the discharge must commence (or the allocation will expire) regardless of any previously paid sewer connection; and/or
- (8) Wastewater pretreatment.

§ 103-82. Sewer connection fees.

A. Household connection fee. Each new household connection to the sewer collection system or expansion from an existing household connection from a parcel within the sewer district requiring an approval of the Town Board pursuant to § 103-81B above will pay the following sewer connection fee:

- (1) To the extent that the allocated GPD is less than or equal to the Task 2 GPD, no connection fee will be charged;
- (2) To the extent that the allocated GPD is greater than or equal to the Task 2 GPD, a connection fee in the amount of \$3,500 per EDU will be charged for each EDU above the Task 2 GPD.
- (3) For the purpose of calculating the sewer connection fee, any two or more parcels assigned a Task 2 GPD, which are combined through a legal filing thus eliminating one, for purposes of calculating the household connection fee are entitled to the combined allocation. If the parcel is subdivided in the future, the allocation may be redivided, or remain with one parcel and the other treated as a new parcel.

B. Nonhousehold connection fee. Each new nonhousehold connection to the sewer collection system or expansion from an existing nonhousehold connection from a parcel within the Sewer District requiring an approval of the Town Board pursuant to § 103-81C above will pay the following sewer connection fee:

- (1) To the extent that the allocated GPD is less than or equal to the Task 2 GPD, no connection fee will be charged.

(2) To the extent that the allocated GPD is greater than or equal to the Task 2 GPD, a connection fee in the amount of \$875 per 75 GPD will be charged for each 75 GPD above the Task Six GPD.

C. Nonhousehold connection surcharge. If additional flow is allocated to the nonhousehold use/property, it will be allocated in increments of 75 GPD. If an applicant exceeds the allocated GPD during its peak season or the Town's peak season, the applicant will be surcharged for the additional flow in accordance with this section. The surcharge will be a capital surcharge and not used for annual operation and maintenance. The applicant will have the ability to purchase an additional allocation to address this excess flow. The surcharge will be in increments of \$250 for each 75 GPD that the actual flow exceeds the allocated GPD during any month of its peak season or the Town's peak season.

§ 103-83. Capital fund.

The sewer connection fee and surcharge shall be deposited in a capital account that could be accessed by the Sewer District to repair, upgrade and/or expand the wastewater treatment plant and the sewer collection system or for such other purposes allowed under law. The dollar charge per EDU (or per 75 GPD) may be modified from time to time by the Town Board as necessary to ensure adequate funding is available for the long-term capital needs of the sewer district.

§ 103-84. Sewer connection fee payment schedule.

A. Household sewer connection fee. The sewer connection fee for a household connection shall be payable at or prior to the issuance of any building permit for the structure to be serviced by the sewer system. An allocated GPD issued pursuant to § 103-81B above will, if the connection has not occurred, expire within 18 months from the date of issuance unless the sewer connection fee is paid prior to expiration of the initial eighteen-month period.

B. Nonhousehold sewer connection fee. Except as noted below, the sewer connection fee for a nonhousehold connection shall be payable at or prior to the issuance of any building permit for the structure to be serviced by the sewer system. An allocated GPD issued pursuant to § 103-81C above will, if the connection has not occurred, expire within 24 months from the date of issuance unless the sewer connection fee is paid prior to expiration of the initial twenty-four-month period.

§ 103-85. Definitions.

The meaning of the terms used in this article shall be as stated below:

ALLOCATED GPD

The average gallons per day assigned to that tax parcel in accordance with § 103-81 above.

APPLICANT'S PEAK PERIOD

The three-calendar-month consecutive period that the applicant has its highest flows.

EDU

Water usage proportional to that equivalent to a typical single-family residence. For purposes of this article, all single-family residences are assigned one EDU which is equivalent to 300 gallons of water use per day.

GPD

The thirty-day average gallons per day discharged to the sewer collection system.

HOUSEHOLD

A dwelling place. Household shall not be construed to mean rooms or units in hotels, motels, bed-and-breakfast establishments with six or more rooms to rent, inns, camps, time-share condominiums, or other facilities intended for visitors and transient occupants to stay with no intention of residing or maintaining a residency at that location. For facilities used partly for residential and partly for

nonresidential purposes with common sewer service, that portion of such facility that is used as a residence shall be treated as a household for purposes of this section.

NONHOUSEHOLD

Means or includes any user or potential user of the sewer system other than a household.

TASK 2 GPD

The average gallons per day assigned to that tax parcel in the Task 2 Report as attached hereto as Appendix A. *Editor's Note: Said Appendix A is on file in the Town offices.*

TOWN'S PEAK PERIOD

The consecutive three-month period that the sewage plant receives the greatest flow, based upon a review of historical flow records, as determined by resolution of the Town Board.

§ 103-86. Parcels outside sewer district.

For connections outside of the sewer district, an additional charge will be required to compensate the sewer district for its embedded costs. The additional charge will be determined by the Town Board at the time that a petition is submitted for the extension of the sewer district or to connect to the sewer collection system. The purpose of the additional surcharge is to compensate the sewer district for the value of its sewage treatment plant and collection system which will now be shared with properties outside the sewer district. Any sewer connection for a parcel outside the sewer district to which the Town Board allows to contribute flows, is subject to the rules set forth in Article XII, although all allocated GPD will be subject to the connection fee.

Article XIII. Sewer Rents

§ 103-87. Title.

For brevity and ease of communication, this article may be cited as the "Sewer Rent Law for Shandaken Sewer System."

§ 103-88. Statutory authority; purpose.

The Town Board of the Town of Shandaken, pursuant to the provision of Article 14-f of the General Municipal Law, entitled "Sewer Rent Law" and, in particular, § 452 thereof, does hereby establish and impose sewer rents to be charged in the Shandaken sewer system for all properties connected to the Shandaken sewer system.

§ 103-89. Word usage; definitions.

A. Where the term is used in this article, the meaning shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of the article, "shall" is mandatory; "may" is permissive.

B. As used in article, the following terms shall have the meanings indicated:

ACTUAL AVERAGE FLOW

The average daily wastewater flow from a residential or nonresidential structure.

(1) For residential users (regardless of whether meters are installed), the actual average flow is equivalent to 300 gallons per day per EDU.

(2) For nonresidential users without Town water meters, the property owner may install a meter to measure actual average flow for purposes of calculating sewer use charges. In the absence of metered data, the flows specified in Appendix C *Editor's Note: Appendix C is included at the end of this chapter.*

shall be used to calculate the sewer use charges for nonresidential users. Otherwise, the actual average flow for nonresidential users for purposes of calculating sewer use charges is the actual meter readings as set forth below.

(3) For metered flow, the actual average flow will be calculated as the metered flow of the prior year. For meters that are not part of the Town water system, it is the responsibility of the property owner to provide to and file with the Town Clerk of the Town of Shandaken an affidavit of actual flow for a twelve-month period specified by the Town by July 15 of that year, otherwise, at the option of the Town, the flows specified in Appendix C *Editor's Note: Appendix C is included at the end of this chapter.* shall be used to calculate the sewer use charges for the next year.

CITY

The City of New York, and any of its departments and agencies, including, without limitation, NYCDEP.

COMBINED RESIDENTIAL AND NONRESIDENTIAL FLOW

The sum of residential flows and nonresidential flows, whether metered or estimated, to the WWTP.

DESIGNATED SERVICE AREA (AKA "TOWN SEWER DISTRICT")

The service area for the Shandaken sewer system (including any supplemental service area) agreed to by the Town and the NYCDEP and as filed in the Town Clerk's office and with the New York State Department of Environmental Conservation, New York State Department of Health and the NYCDEP. The designated service area (excepting the supplemental service area) is attached hereto and incorporated herein as Appendix D. *Editor's Note: Appendix D is included at the end of this chapter.*

EQUIVALENT DWELLING UNIT (EDU)

Water usage proportional to that equivalent to a typical single-family residence within the designated service area. All residential users within the designated service area are assigned one EDU which is 291 gallons of water use per day.

GPD UNCOVERED USER CHARGE

The uncovered operation and maintenance costs divided by the combined residential and nonresidential flow.

GPD USER CHARGE

The O&M costs divided by the total combined residential and nonresidential flow.

HOUSEHOLD

A dwelling place or household as defined in the O&M agreement in Section 1.01 (15).

MINIMUM FEE FUND

The fund generated by charging all nonresidential users a minimum fee of \$200. The intent of the minimum fee fund is to use the funds generated by instituting a minimum fee to offset the cost for nonresidential users.

MIXED USE STRUCTURE

A parcel or facility that contains both residential and nonresidential users as referenced in the O&M agreement in Section 1.01 (11).

NONRESIDENTIAL COVERED USER CHARGE

The product of the GPD user charge and the actual average flow for nonresidential users after deducting the residential flow proportion.

NONRESIDENTIAL FLOWS

The sum of the actual average flow of wastewater flows from all nonresidential users to the municipal sewer system.

NONRESIDENTIAL FLOW PROPORTION

The actual average flow minus residential flow proportion.

NONRESIDENTIAL SHARE OF O&M COST

The O&M Costs minus the sum of the total residential covered user charges and minus \$10,000.

NONRESIDENTIAL USER CHARGE

The difference between nonresidential share of O&M costs and the minimum fee fund divided by the nonresidential flow.

NONRESIDENTIAL USERS

All users discharging wastewater to the municipal sewer system other than residential users.

NYCDEP

The New York City Department of Environmental Protection.

OPERATIONS & MAINTENANCE (O&M) AGREEMENT

The O&M Agreement attached as Appendix F to the amended and restated new infrastructure agreement entered into between the Town and the City. The O&M Agreement addresses the payment of O&M costs associated with operation of the sewer system.

OPERATION & MAINTENANCE (O&M) COSTS

The costs of operating and maintaining the municipal sewer system as those costs are defined in the O&M agreement in Section 1.01 (15) but excluding watershed O&M costs as those costs are defined in the O&M agreement in Section 1.01 (25).

RESIDENTIAL FLOW PROPORTION

The actual average flow for the residential portion of a mixed use structure calculated as the sum of the EDUs within the structure times 300 gallons per day.

RESIDENTIAL FLOWS

The sum of the actual average flow of wastewater from all residential users in the designated service area.

RESIDENTIAL USER

A dwelling place or household as defined in the O&M Agreement in Section 1.01 (11) that is located in the designated service area that is connected to the municipal sewer system.

SEWER SYSTEM

All facilities for collecting, regulating, pumping and transporting wastewater to and away from the Town's treatment plant.

SURCHARGE

The debt or capital charge assessed equitably against benefitted residential and nonresidential users.

TOTAL RESIDENTIAL COVERED USER CHARGE

Equal to the GPD user charge times 300 gpd times the number of EDUs for a particular user.

TOTAL RESIDENTIAL USER CHARGE

Equal to the watershed MOA household cap times the number of EDUs for a particular user plus the uncovered user charge.

TOWN

The Town of Shandaken.

UNCOVERED OPERATIONS AND MAINTENANCE COSTS

All costs incurred by the Shandaken sewer system in operating, maintaining, repairing and replacement of the sewer system that are not classified as O&M costs hereunder.

UNCOVERED USER CHARGE

The GPD uncovered user charge times the actual average flow for a particular user.

USER

Any property connected to the municipal sewer system.

WASTEWATER TREATMENT PLANT (WWTP)

The plant treating wastewater from the Shandaken sewer system.

WATERSHED EQUIPMENT AND METHODS COSTS

The equipment and methods incorporated in the sewer system required solely by the watershed regulations as defined in the O&M Agreement in Section 1.01 (25).

WATERSHED MEMORANDUM OF AGREEMENT (MOA)

The New York City Watershed Memorandum of Agreement as executed on January 21, 1997.

WATERSHED MOA HOUSEHOLD CAP

The sewer use charge for households as defined in the O&M Agreement in Section 1.01 (26).

C. Defined terms in O&M Agreement incorporated by reference. All terms defined in the O&M Agreement are hereby incorporated into and made a part of this chapter by reference, except to the extent expressly modified herein. A copy of the O&M Agreement is attached as Appendix E. *Editor's Note: Appendix E is on file in the Town offices.*

§ 103-90. Sewer use charges for residential users.

A. Payment of sewer use charges for residential users. An annual sewer use assessment shall be levied in advance against each residential user to be mailed concurrent with and as part of the semiannual Town utility bill to the property owner. Payment shall be made in accordance with the procedures for payment of the tax bills, and the assessment of any interest and/or penalties shall also be calculated the same as interest and/or penalties are calculated for the tax bill.

B. Calculating sewer use charges for residential users. Sewer use charges will be assessed against residential users in an amount equal to total residential user charge plus surcharge.

C. Calculating household subsidy required under Paragraph 122(k). In addition, for purposes of the O&M Agreement and the calculation of the household subsidy required under Paragraph 122(k) of the Watershed MOA, the aggregate total of all sewer, rents, charges, and/or other fees, properly allocable to and charged to a particular household served within the designated service area shall be equal to the total residential covered user charge.

§ 103-91. Sewer use charges for nonresidential users.

A. Payment of sewer use charges for nonresidential users. An annual sewer use assessment shall be levied in advance against each nonresidential user to be mailed concurrent with and as part of the semiannual Town utility bill to the property owner. Payment shall be made in accordance with the procedures for payment of the tax bills, and the assessment of any interest and/or penalties shall also be calculated the same as interest and/or penalties are calculated for the tax bill.

B. Calculating nonresidential sewer use charges. Sewer use charges shall be assessed against nonresidential users as the sum of the following:

- (1) Two hundred dollars; plus
- (2) The product of the nonresidential user charge and the actual average flow; and
- (3) Of the product of the GPD uncovered user charge and the actual average flow; plus
- (4) The surcharge:

$$\begin{aligned} \text{Nonresidential Sewer Use Charge} = & \\ & [\$200] + [\text{Nonresidential user charge} \\ & \times \text{Actual Average Flow}] + [\text{GPD uncovered} \\ & \text{user charge} \times \text{Actual average flow}] \\ & + [\text{Surcharge}] \end{aligned}$$

§ 103-92. Sewer use charges for mixed-use structures.

A. Payment of sewer use charges for mixed use structures. An annual sewer use assessment shall be levied in advance against each mixed-use structure to be mailed concurrent and as part of the semiannual Town utility

bill to the property owner. Payment shall be made in accordance with the procedures for payment of the tax bills, and the assessment of any interest and/or penalties shall also be calculated the same as interest and/or penalties are calculated for the tax bill.

B. Calculating sewer use charges for mixed use structures. Sewer use charges will be equal to total residential user charge plus the sewer use charges assessed against nonresidential users as the sum of the following:

- (1) Two hundred dollars; plus
- (2) The product of the nonresidential user charge and the nonresidential flow proportion; plus
- (3) The product of the GPD uncovered user charge and the nonresidential flow proportion; and
- (4) The surcharge:

$$\begin{aligned} \text{Total Sewer Use Charge for Mixed Use Structure} = & \\ & (\text{Total Residential User Charge}) + \\ & [\text{\$200}] + [\text{Nonresidential User Charge} \times \text{Non-Residential Flow} \\ & \text{Proportion}] + [\text{Non-Residential Flow Proportion} \times \text{GPD Uncovered} \\ & \text{User Charge}] + [\text{Surcharge}] \end{aligned}$$

§ 103-93. Lien.

Any unpaid assessment shall represent a lien on the property to the same extent and the same as the real property tax.