

# Local Law Filing

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

County  City  Town  Village  
(Select one.)

of Machias

Local Law No. 2 of the year 2015

A local law regulating the use of public sewers and drains, the installation and connection of building  
(Insert Title)  
sewers and the discharge of water and wastes into the public sewer systems; providing for  
violations thereof; in the Town of Machias

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

County  City  Town  Village  
(Select one.)

of Machias as follows:

## ARTICLE 1

### SHORT TITLE, PURPOSE AND APPLICABILITY

#### Section 101 - SHORT TITLE

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

#### Section 102 - GENERAL PURPOSE

The general purpose of this Law is the following: To provide for efficient, economic, environmentally safe, and legal operation of the Town's POTW.

#### Section 103 - SPECIFIC PURPOSES

The specific purposes of this Law are the following:

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

(1) To prevent the introduction of substances into the POTW that will:

- (a) Interfere with the POTW in any way,
- (b) pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,
- (c) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals,
- (d) endanger municipal employees,
- (e) cause air pollution, or groundwater pollution, directly or indirectly,
- (f) cause, directly or indirectly, any public nuisance condition.

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(3) To assure that new sewers and connections are properly constructed.

(4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

#### **SECTION 104 - APPLICABILITY**

This Law shall apply to all areas within the Town of Machias as well as all areas delivering sewage to POTW owned by the Town.

## **ARTICLE 2**

### **DEFINITIONS**

#### **Section 201 - DEFINED TERMS**

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

**Abnormal Sewage** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See Normal Sewage.

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

**Administrator** - The Regional Administrator of the United States 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.

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

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

**Approval Authority** - The USEPA, or the in the event NYSDEC is delegated approval authority responsibility by the USEPA.

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

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

- (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**Biochemical Oxygen Demand** - The quantity of oxygen utilized in a biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20° C. The laboratory determinations shall be made in accordance with the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water, Sewage, and Industrial Wastes* published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**Board** - The Town of Machias Town Board.

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

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

**Building Sewer** - That part of the drainage system which extends from the end of the building drain and conveys its discharges to a public sewer, private sewer, individual sewage disposal system, vacuum valve, grinder pump or other approved point of disposal.

**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.

**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.

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

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

**Connection Charge (Tap Fee)** - The one time application fee to offset Town expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

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

**Control Manhole** - A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**Conventional Pollutant** - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

**Cooling Water** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

**County** - Cattaraugus County, New York

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

**Direct Discharge** - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**Director** - The Administrative Director of the Sewer System appointed by the Board or his representative.

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

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

**End of Pipe** - For the purpose of determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

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

**End of Process Concentration** - see National Categorical Pretreatment Standard.

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

**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 Interceptor** - A device designed to separate and retain globules of grease, fat and oils from wastewater.

**Horizontal Directional Drilling** - A steerable trenchless method of installing underground pipes, conduits and cables in a shallow arc along a prescribed bore path by using a surface launched drilling rig, with minimal impact on the surrounding area. Directional boring is used when trenching or excavating is not practical. It is suitable for a variety of soil conditions and jobs including road, landscape and river crossings.

**Indirect Discharge** - The introduction of wastewater into a POTW 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** - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

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

**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, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

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

(a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- i Section 405 of the Clean Water Act,
- ii the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
- iii Clean Air Act,
- iv Toxic Substance Control Act, and
- v Marine Protection Research and Sanctuaries Act.

**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 to the entrance to a grinder pump or vacuum valve installation.

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

**National Pollutant Discharge Elimination System Permit** - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**Natural Outlet** - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

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

**New Source** - Any source, the construction of which is commenced after the publication of proposed regulation prescribing a Section 307 (C) (33 U.S.C 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

**New User** - A discharger to the POTW owned by the Town who commences discharge after the effective date of this Law.

**Normal Sewage** - see Sewage, Normal.

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

**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. See floatable oil.

**Old Owner** - That individual or entity who owns or owned a property, within the Service Area of the Town's POTW, purchased prior to the effective date of this Law, or inherited the property at any time and who 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 POTW into waters of the State in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration or a violation).

**Permit** - A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Law.

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

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

**Phosphorus, total** - See total phosphorus.

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

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

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

**Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**Pretreatment Standard or National Pretreatment Standard** - Any Categorical Standard or Prohibitive Discharge Standard.

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

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

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

**Publicly Owned Treatment Works** - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by the Town and the POTW Treatment Plant. 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.

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

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

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

**Scavenger Wastes** - see Septage

**Septage** - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

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

**Service Area of the POTW** - The legally defined bounds of real property from which wastewater may be discharged into the POTW through the portion of the POTW owned by the Town.

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

**Sewage, Domestic (Domestic Wastes)** - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See Sewage, Sanitary).

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

- (a) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (b) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (c) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.
- (d) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (e) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (f) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (g) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- (h) Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less.
- (i) Ultimate Oxygen Demand - 5004 lbs. per million gallons (600 milligrams per liter), or less.

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

**Sewage, Sanitary** - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes).

**Sewage Treatment Plant (Water Pollution Control Plant)** - see POTW Treatment Plant

**Sewer** - A pipe or conduit for carrying or transporting sewage.

**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, and the use of which is controlled by the Town.

**Sewer, Sanitary** - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

**Sewer, Storm (Storm Drain)** - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

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

**Sewerage Surcharge** - The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

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

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

**Standard Industrial Classification** - 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.), any other procedure approved by the Administrator, or any other procedure approved by the Director, whichever is the most conservative.

**State** - State of New York.

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

**Storm Water** - Any flow resulting from any form of natural precipitation.

**Substances of Concern** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

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

**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.

**Tap Fee** - See Connection Charge

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

**Total Phosphorus** - The result obtained, 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** - Town of Machias, municipal corporation of the State of New York located in Cattaraugus County.

**Toxic Substances** - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tends to interfere with any biological sewage treatment process or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**Ultimate Oxygen Demand** - (One and One-Half (1½) times BOD) + (Four and One-Half (4½) times TKN).

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

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

**User, Existing** - A discharger to the POTW who is discharging on or before the effective date of this Law.

**User, Industrial** - A discharger to the POTW who discharges non-domestic wastewaters.

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

**User, Significant Industrial** - An Industrial user of the Town's POTW who is:

- (a) Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- (b) Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- (c) Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- (d) Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as non-significant if, at the influent to the POTW treatment plant, the pollutant, from all users, is not detectable.

**Village** - Village of Arcade, a municipal corporation of the State of New York.

**Volume Charge** - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article 12). The specific charge shall be subject to approval by the Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW.

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

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

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

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

## Section 202 - ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CPLR	-	Code of Public Law and Rules
COD	-	Chemical Oxygen Demand
EPA	-	United States Environmental Protection Agency
HDD	-	Horizontal Directional Drilling

HDPE	-	High Density Polyethylene Pipe
ICS	-	Industrial Chemical Survey
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NCPI	-	National Clay Pipe Institute
NPDES	-	National Pollutant Discharge Elimination System
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
POTW	-	Publicly Owned Treatment Works
PPM	-	Parts per Million, weight basis
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 W.S.C. 690 L, et seq.
TKN	-	Total Kjeldahl Nitrogen
TSS	-	Total Suspended Solids
UOD	-	Ultimate Oxygen Demand
U.S.C.	-	United States Code of Laws
USEPA	-	United States Environmental Protection Agency

**Section 203 - UNDEFINED TERMS**

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

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

**Section 301 - WASTE DISPOSAL UNLAWFUL**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.

**Section 302 - WASTEWATER DISCHARGE UNLAWFUL**

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

**Section 303 - BUILDING PERMIT ALLOWED ONLY WHEN APPROVED WASTEWATER DISPOSAL AVAILABLE**

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers.

**Section 304 - PRIVATE WASTEWATER DISPOSAL UNLAWFUL**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater generated by property required to be connected to the public sewer.

**Section 305 - CONNECTION TO PUBLIC SEWER REQUIRED**

The owner of any real property which generates sewage and which abuts on any street or right of way in which a public sanitary sewer is located is hereby required at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within six (6) months after the date of official notice to do so. This section shall not apply to the extent it would require an owner to install more than one hundred fifty (150) feet of sewer per user unit connected with the user units for property in unitary ownership in one location aggregated. Such connection may require the installation of a grinder pump and appurtenances or a vacuum valve and appurtenances by the owner consistent with the Town's plan of service for the area and dependent upon the characteristics of the owner's property and the public sewer available to it; the Town may accept ownership and responsibility for the operation and maintenance of a grinder pump or vacuum valve after approval of its installation. If such grinder pump or vacuum valve installation is made by the Town, the property owner shall provide easement rights and modify the property owner's electrical and plumbing configuration to accommodate such installation. The time within which such connection must be made may be extended by the Director for good cause shown. Any such extension shall be reviewed annually by the Board. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

**Section 306 - LIMITATION ON USE OF PUBLIC SEWERS**

The use of the Town public sewers shall be strictly limited and restricted, except as provided in Section 307, to receive and accept the discharge of sewage and other wastes, including industrial wastes, generated on, or discharged from real property within the bounds of the Service Area of the POTW.

**Section 307 - WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA - INTER-MUNICIPAL AGREEMENTS**

The Board, on the recommendation of the Director, and with the approval of the Village shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law.

If the person is not a municipality the discharge shall be made only with the expressed written consent of the Director (the issuance of a permit) setting forth the terms and conditions of such a discharge.

The authority contained in this section is subject to the provisions of the contract between the Town and the Village.

**Section 308 - MORATORIUM**

At the recommendation of the Director, who determines that:

- (1) one or more segments of the POTW is exceeding its hydraulic capacity at any time
- (2) any specific purpose of this Law is being violated the Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:
  - (1) construction of new facilities
  - (2) enlarging existing facilities
  - (3) correction of inflow and infiltration

- (4) cleaning and repairing of existing facilities

**Section 309 - BASIS OF SEWER USE REQUIREMENT**

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

**ARTICLE 4**

**PRIVATE WASTEWATER DISPOSAL**

**Section 401 - PUBLIC SEWER UNAVAILABLE - PRIVATE WASTEWATER DISPOSAL REQUIRED**

Where a public sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Sanitary Code of the Cattaraugus County Health District to be enforced by the Cattaraugus County Health Department.

**Section 402 - DIRECT CONNECTION TO NEW PUBLIC SEWERS REQUIRED**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within six (6) months after date of official notice, in compliance with this local law, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with dense material acceptable to the Director so as to prevent the collapse of the facility at the owners expense unless the design of the Public Sewer permits the discharge of septic tank effluent to the Public Sewer.

**Section 403 - ADDITIONAL REQUIREMENTS**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health officer of the State of New York, County of Cattaraugus or local municipal government.

**ARTICLE 5**

**NEW SEWERS or SEWER EXTENSIONS**

**Section 501 - PROPER DESIGN**

New sanitary sewers and all extensions to sanitary sewers owned and operated by the Town shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the latest addition of Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (*Ten State Standards*), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Director, the Cattaraugus County Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

**Section 502 A - NEW SEWERS SUBJECT TO APPROVAL, FEES, INSPECTION, TESTING, AND REPORTING**

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Director, and the Cattaraugus County Health Department, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire installation. Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 503, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Director, without prior

notice. The Director shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 504, before any building lateral is connected thereto. The Director 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 Board until such construction inspections have been made so as to assure the Board of compliance with this Law and any amendments or additions thereto. The Director 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 Director shall report all findings of inspections and tests to the Board.

#### **Section 502 B - PLANS, SPECIFICATION, AND PIPE TEST RESULTS REQUIRED**

Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Additional force main details are covered in Section 505. When requested, the applicant shall submit, to the Director and to the Cattaraugus County Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

#### **Section 503 A - SEWER PIPE**

(1) Sewer pipe material shall be:

(a) Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.)

The pipe and specials shall conform to ASTM Specification C 76.

The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate.

Water absorption and three-edge bearing tests shall conform to ASTM Specification C 497. Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C 302.

(b) 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.

(c) Polyvinyl Chloride (PVC) Pipe - Heavy Wall

Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D 1784.

Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%).

ANSI/ASTM	D 3034	(4" - 15")
ASTM	F 679	(18" - 27")

(d) 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.

(e) High Density Polyethylene Pipe (HDPE)

Polyethylene pipe shall be made from a HDPE material having a minimum material designation code of PE 4710. Pipe shall be SDR 13.5, rated for a minimum of 160 psi working pressure. Pipe (a) having a diameter of less than six inches shall be based upon Iron Pipe Size (IPS) and (b) having a diameter of six inches and greater shall be based on Ductile Iron Pipe Size (DIPS) outside diameter (O.D.) with permanent identification of the piping service provided by co-extruded stripes into the outside pipe surface. Paint is not acceptable.

Butt Fusion Fittings - Fittings shall be made of PE 4710, with a minimum Cell Classification as noted above. Butt Fusion Fittings shall meet the requirements of ASTM D3261. Molded and fabricated fittings shall have a pressure rating equal to the pipe unless otherwise specified in the plans. Markings for molded fittings shall comply with the requirements of ASTM D 3261. Fabricated fittings shall be marked in accordance with ASTM F 2206. Socket fittings shall meet ASTM D 2683.

Electrofusion Fittings - Fittings shall be PE 4710, with a minimum Cell Classification as noted above. Electrofusion Fittings shall have a manufacturing standard of ASTM F1055. Fittings shall have a pressure rating equal to the pipe unless otherwise specified on the plans. All PE3408 Electrofusion Tapping Tees shall be designed and manufactured in accordance with ASTM F-1055 and shall be supplied with an integral identification resistor which can be recognized by a processor to automatically set the proper fusion parameters. All electrofusion fittings shall be supplied with a 24 digit ISO compliant barcode label which facilitates the fusion with various manufactures processors.

Flanges and Mechanical Joint Adapters (MJ Adapters) - Flanges and Mechanical Joint Adapters shall be PE 4710, with a minimum Cell Classification as noted above. Flanged and Mechanical Joint Adapters can be made to ASTM D 3261 or if machined, must meet the requirements of ASTM F 2206. Flanges and MJ Adapters shall have a pressure rating equal to the pipe unless otherwise specified on the plans. Markings for molded or machined flange adapters or MJ Adapters shall be per ASTM D 3261. Fabricated (including machined) flange adapters shall be per ASTM F 2206.

Locating Wire (Tracer Wire) - All HDPE pipe direct bury installations shall have tracer wire meeting the requirements set forth in Section 503 D(5).

(f) Other pipe materials

Other pipe materials require prior written approval of the Director before being installed.

(2) The minimum internal pipe diameter for gravity sewers shall be 8 inches.

(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 Section 504 are met.

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

(6) Wye branch fittings shall be installed, for connection of street laterals, in accordance with Section

506.

(7) Notwithstanding the foregoing provisions of this section 503A, the following standards shall apply to vacuum and low pressure grinder sewers.

<u>TYPE OF SEWER</u>		
	<u>Vacuum</u>	<u>Low Pressure Grinder</u>
<u>Pipe Materials</u>	<u>PVC Sch. 40</u> <u>ASTM D-1785</u>	<u>HDPE</u>
<u>Joints</u>	<u>Solvent Weld</u>	<u>Fusion Weld</u>
<u>Minimum Pipe Size</u>	<u>4 inches</u>	<u>1½ inches</u>

**Section 503 B - SAFETY AND LOAD FACTORS**

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

Safety factor	-	1.5
Load factor	-	1.7
Weight of soil	-	120 lbs/cu. ft.
Wheel loading	-	16,000 lbs.

Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, 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.

**Section 503 C - SEWER PIPE INSTALLATION**

(1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

(2) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

(3) The public shall be protected from personal and property damage as a result of the construction work.

(4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

(5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.

- (6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing, before trench excavation is initiated.
- (7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.
- (8) Open trenches shall be protected at all hours of the day with barricades, as required.
- (9) Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Director. When work is not in progress, including over night, weekends, and holidays, the trench shall be backfilled to ground surface.
- (10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.
- (11) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.
- (12) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.
- (13) No structure shall be undercut unless specifically approved by the Director.
- (14) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.
- (15) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown and no higher than one foot below final grade, and left in the trench, during backfill operations.
- (16) Pipe shall be bedded according to manufacturer's recommendations and as approved by the Director.
- (17) Bell holes shall be hand excavated, as appropriate.
- (18) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.
- (19) The joints shall be made, and the grade and alignment checked and made correct.
- (20) Crushed stone approved by the Director shall be placed over the laid pipe to a depth of at least six (6) inches. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.
- (21) The pipe shall be in straight alignment.
- (22) The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95% of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or other frozen material shall not be used for backfill.

Section 503 D - HDPE PIPE INSTALLATION:

(1) In general, all polyethylene piping shall be installed in accordance with the recommendations of the pipe manufacturer, ASTM D2774 - Standard Practice for Underground Installation of Thermoplastic Piping, and the Plastic Pipe Institute (PPI) Handbook of Polyethylene Pipe.

(2) Mechanical fittings utilized for transitions between the pipe materials shall be installed according to the recommendation of the HDPE Pipe Manufacturer and the Mechanical Fitting Manufacturer.

(3) The pipe shall be handled carefully with any gouges larger than 10% of the pipe wall removed from the trench and taken off site.

(4) Pipelines shall be located on the line and grade as indicated on the design drawings. No deviation from the required line or grade shall be made without the authorization of the Engineer.

(5) TRACER WIRE:

(a) Tracer wire shall be installed with all HDPE pipe direct bury (open cut) installations, such that the pipe can be accurately located after installation is complete. Tracer wire shall be 12 AWG steel core soft drawn high strength tracer wire with a minimum 380# average tensile break load, 30 mil high molecular weight-high density polyethylene jacket complying with ASTM-D-1248, 30 volt rating, as by Copperhead Industries, LLC, or approved equal.

(b) 12 AWG steel core hard drawn extra high strength tracer wire shall be used when installing HDPE pipe by method of horizontal directional drilling (HDD), with a minimum 1150# average tensile break load, 45 mil high molecular weight-high density polyethylene jacket complying with ASTM-D-1248, 30 volt rating, as by Copperhead Industries, LLC, or approved equal.

(c) Corrosion proof wire connectors that are properly sized for the tracing wire shall be used at all splice locations in the tracer wire. Wire connectors shall be rated for direct bury applications and shall make use of a non-hardening, silicone based sealant to prevent moisture from entering the splice. Wire connectors shall be Snake Bite or Locking Snake Bite as manufactured by Copperhead Industries, LLC, DBR-6 Direct Bury Splice Kit as manufactured by 3M Division, or approved equal. Making tracer wire connections by twisting wires together and taping the wires together is not an acceptable method of making tracer wire connections.

(d) Above ground utility markers shall be used at locations required by the Director. The utility markers shall be of a durable construction that is UV stabilized, designed to withstand extreme temperatures (-30°F to 120°F), and designed to rebound from vehicular impacts at high speeds. Above ground utility markers shall be fitted with an identification decal that meets the textual requirements of the Director. The utility marker shall provide 360° visibility. Above ground utility markers shall be provided with a direct bury end. Utility marker shall also serve as a tracer wire testing station. The utility marker shall be fitted with internal testing terminals and a cap to provide protection. Above ground utility markers shall be fitted with a shunt to provide continuity through the tracer wire terminal and brass terminal posts. Above ground utility markers shall be "TriView Test Station" as manufactured by Rhino Marking and Protection Systems, or an approved equal.

(e) At grade tracer boxes shall be installed as required by the Director. At grade tracer boxes shall have a cast iron cap and embedded magnet for easy detection by means of a standard metal detector. At grade tracer boxes shall be appropriately designed for roadway or driveway installations where required. At grade tracer boxes shall be fitted with an insulated direct connection to allow locating equipment to be hooked up to the tracer wire without requiring the cap to be removed. The connection point shall be brass. At grade tracer box covers shall have locking capability. At grade tracer boxes shall be "Snake Pit Lite

Duty XL Boxes" or "Snake Pit Roadway Boxes" as manufactured by Copperhead Industries, LLC, or an approved equal.

- (f) The color of all tracer wire, connectors, utility markers, and at grade tracer boxes shall be GREEN for Sanitary Sewer Installations, meeting APWA standards.
- (6) HORIZONTAL DIRECTIONAL DRILLING (HDD) FOR HDPE PIPE:
- (a) All Horizontal Directional Drilling shall be performed per the recommendations of the pipe manufacturer, ASTM F1962, and the PPI Handbook.
  - (b) Installation crew shall utilize only personnel well trained and knowledgeable in HDD technology and operations.
  - (c) All utilities which may potentially affect the bore path shall be positively identified.
  - (d) Drilling fluids and slurries used in the directional drilling process shall be contained and shall not be discharged on the ground or into any watercourse.
  - (e) An approved tracing wire for future locating of the piping shall be installed as stated above.
  - (f) The piping shall be installed with a minimum depth of cover of 4.5 feet over the top of the pipe at all times.
- (7) TRENCHING INSTALLATION OF HDPE PIPE:
- (a) The pipe should be installed to follow line and grade shown on the design drawings providing a minimum depth of cover of 4.5 feet over the top of the pipe.
  - (b) The trench bottom shall be graded flat to allow uniform support for the entire length of the pipe. Six (6) inches of No. 1A stone bedding shall be installed such that uniform support is provided for the entire length of pipe. After the pipe is carefully placed and uniformly supported, the trench shall be carefully backfilled by hand to the springline, with No.1A Stone. Care shall be taken to insure that the material is worked under the haunches of the pipe by hand. The trench shall then be carefully backfilled with the excavator bucket or by front-end loader to a depth of 12-inches of cover over the top of the pipe with No.1A stone.
  - (c) Approved tracer wire shall be installed directly over the pipe on the top of the No.1A stone, and the remainder of the trench shall be backfilled.
- (8) JOINING AND CONNECTIONS:
- (a) HDPE outside diameter (OD) controlled piping products shall be connected using heat fusion, electrofusion, and mechanical methods such as MJ Adapters, flanges, and compression couplings. Joining and connection methods will vary depending upon requirements for internal or external pressure, leak tightness, restraint against longitudinal movement (thrust load capacity), gasket requirements, construction and installation requirements, and the product.
- (9) CONNECTIONS TO EXISTING SEWERS
- (a) The location, size, and type of piping of the existing sewers in which the interconnection is to be made shall be verified to determine the size and type of materials which will be required to make the interconnection. The piping alignment shall also be verified.
  - (b) Configurations of the existing sewers, as shown on the records of the Town, are shown using the best information available. However, the actual field condition may differ substantially from those shown. Therefore, special care shall be taken to determine the

configuration of the existing sewers and other underground utilities at all locations where interconnections with the existing sewers are to be made.

**Section 503 E - MANHOLE INSTALLATION:**

- (1) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet; lesser maximum manhole spacing may be required as a condition of approval of a sewer extension.
- (2) Manhole bases shall be constructed of 3,000 psi (7 day) concrete 12 inches thick, or shall be precast bases properly bedded in the excavation by level installation on a flat, stable subgrade; where an unstable condition exists, the unstable materials shall be excavated and replaced with compacted granular material. Field constructed bases shall be properly reinforced.
- (3) Manhole walls shall be constructed using precast minimum 4 foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478. All sections shall be cast solid, without lifting holes.
- (4) All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets.
- (5) All joints shall be sealed against infiltration. Each opening in the base section for sewers up to and including 20 inch diameter sewers shall contain a flexible rubber connection installed by the manufacturer of the base section. Flexible rubber connectors shall be: KOR-N-SEAL Flexible Rubber Boot or Dura-Seal III Hydraulic Gasket or equal.
- (6) Steps for manholes shall be aluminum or steel reinforced co-polymer polypropylene ASTM C478 or other acceptable to the Director. Steps shall be installed in each manhole in vertical alignment spaced 12 inches on center and shall be placed over the largest bench wall of the manhole. Steps shall have a minimum tread width of 12 inches and shall be precast into the manhole sections or other methods of installation may be used with prior acceptance and approval by the Director.
- (7) All precast sections shall be produced at a plant which is approved by the NYSDOT for manufacture of concrete pipe.
- (8) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade; alternatively, a manhole insert preventing the entry of surface water through the manhole cover may be installed.
- (9) When located in a travelled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron consistent with recent Town installations manufactured by Jamestown Iron Works bearing specification 20-20A. When located in a lawn or in a field, the manhole frame and cover may be non-traffic light duty cast iron. The cover shall conform to dimensions provided by the Town. The minimum combined weight of the light duty frame and the cover shall be 420 +/- 5% lbs. The mating surfaces shall be machined, and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented. The size and design shall conform to existing Town equipment and practices subject to the approval of the Director with respect thereto.
- (10) Benches shall be level and slope to the flow channel at about 1 inch per foot.
- (11) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.
- (12) Manhole frames shall be set in a full bed of mortar with no less than two nor more than nine courses of brick or concrete rings as approved by the Director underneath to allow for later elevation adjustment.

#### **Section 504 A - INFILTRATION/EXFILTRATION TESTING**

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Town. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Director, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

#### **Section 504 B - TEST SECTION**

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

#### **Section 504 C - TEST PERIOD**

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

#### **Section 504 D - PIPE LAMPING**

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

#### **Section 504 E - AIR TESTING ALTERNATIVE**

In lieu of hydrostatic testing (exfiltration or infiltration), air testing may be employed. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The air test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSI to 2.5 PSI. Acceptance is based on limits stated in ASTM Specification C 828. Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 PSI.

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

#### **Section 505 - FORCE MAINS**

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

- (1) Trenching, bedding, and backfilling shall be in accordance with Section 503 C.
- (2) Check valves on discharge side of the pumps shall be installed subject to the requirements of the Director.

- (3) Automatic air relief valves shall be placed at high points and at 400 ft intervals, on level force main runs.
- (4) Air relief and drain valves shall be suitably protected from freezing.
- (5) When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

**Section 506 - TESTING OF PRESSURE PIPING**

- (1) General (DIP, PVC/PVCO Pipe, and HDPE/PE Pipe):
  - (a) Equipment in or attached to the pipes being tested shall be protected from damage.
  - (b) Provide outlets to flush line, expel air, and to perform specified tests.
  - (c) All fittings and appurtenances must be properly braced and harnessed before the pressure is applied. Thrust blocking and mechanical restraining devices which will become a part of the system must also be tested at the test pressure.
- (2) Initial Flushing (DIP, PVC/PVCO Pipe, and HDPE/PE Pipe):
  - (a) The new main shall be filled and flushed to remove dirt and miscellaneous debris from the inside of the main.
  - (b) All entrapped air shall be removed during flushing. Lines should be filled slowly with a maximum velocity of 2 fps (feet per second), preferably 1 fps, while venting air.
  - (c) Taps shall be made, if necessary, at the point of highest elevation, and after the completion of the test, the taps shall be tightly plugged, unless otherwise directed.
  - (d) Flushing must have sufficient flow rate to achieve a fluid velocity of 2.5 fps.
  - (e) A minimum 2" tap is required for proper flushing of all mains having a diameter of 8 inches or less.
  - (f) With the permission of the water supplier, existing watermains may be used as a water source for flushing, however, the following restrictions apply:
    - (i) The testing contractor is not allowed to operate any valves or hydrants or operate any components which belong to the water supplier.
    - (ii) Water from flushing procedures must be disposed of properly. Water may be piped or gravity-fed to an existing storm sewer with the permission of the Owner and Engineer if proper erosion control methods to minimize sediment build-up are used. Discharge of water into a roadway is strictly prohibited.
  - (g) The line valves shall be partially opened and then closed several times under expected line pressure to flush foreign material out of the valves.
- (3) Hydrostatic Testing of Ductile Iron Pipe:
  - (a) Testing of ductile iron pipe pressure systems shall conform to AWWA C600.
  - (b) The test methods described in this section are specific for water-pressure testing. These

methods should not be applied for air-pressure testing.

- (c) Tests shall be made only after completion of backfill, and at least 36 hours after the last concrete thrust or reaction blocking has been cast with high early strength concrete or at least seven (7) days after the last concrete thrust or reaction blocking has been cast with standard concrete.
  - (d) Test pressure shall be held on the piping for a period of at least 2 hours, unless a longer period is requested by the Engineer. Pressure should not fluctuate by more than 5 psi during testing.
  - (e) All newly laid pipe or any valved section thereof shall be subjected to a hydrostatic pressure of at least 1.5 times the working pressure at the point of the test, or 150 psi, whichever is greater. The system should be allowed to stabilize at the test pressure before conducting the hydrostatic test.
  - (f) No pipe installation will be accepted unless the leakage is less than the number of gallons per hour, as determined in AWWA Standard C-600.
  - (g) If the testing allowance is greater than that described above, the cause of the excessive leakage shall be determined and after repairs have been made, the line shall be retested. This procedure shall be repeated until the testing allowance is less than the maximum allowable.
- (4) Hydrostatic Testing of Polyvinyl Chloride (PVC) / Molecularly Oriented Polyvinyl Chloride (PVCO) Pipe:
- (a) Testing of PVC/PVCO pipe pressure systems shall conform to AWWA C605.
  - (b) The test methods described in this section are specific for water-pressure testing. These methods should not be applied for air-pressure testing.
  - (c) Tests shall be made only after completion of backfill, and at least 36 hours after the last concrete thrust or reaction blocking has been cast with high early strength concrete or at least seven (7) days after the last concrete thrust or reaction blocking has been cast with standard concrete.
  - (d) Test pressure shall be held on the piping for a period of at least 2 hours, unless a longer period is requested by the Engineer. Pressure should not fluctuate by more than 5 psi during testing.
  - (e) All newly laid pipe or any valved section thereof shall be subjected to a hydrostatic pressure of at least 1.5 times the working pressure at the point of the test, or 150 psi, whichever is greater. The system should be allowed to stabilize at the test pressure before conducting the hydrostatic test.
  - (f) No pipe installation will be accepted unless the leakage is less than the number of gallons per hour, as determined in AWWA Standard C-605.
  - (g) If the testing allowance is greater than that described above, the cause of the excessive leakage shall be determined and after repairs have been made, the line shall be retested. This procedure shall be repeated until the testing allowance is less than the maximum allowable.
- (5) Hydrostatic Testing of Polyethylene (PE) / High Density Polyethylene (HDPE) Pipe:
- (a) Testing of polyethylene (PE/HDPE) pressure pipe systems shall conform to all AWWA M55

specifications, the Plastic Pipe Institute (PPI) specifications, and all specifications of the pipe manufacturer.

- (b) The test methods described in this section are specific for water-pressure testing. Pneumatic (compressed gas) leak testing of PE/HDPE pipe systems will be strictly prohibited.
- (c) Tests shall be made only after completion of backfill, and at least 36 hours after the last concrete thrust or reaction blocking has been cast with high early strength concrete or at least seven (7) days after the last concrete thrust or reaction blocking has been cast with standard concrete.
- (d) All newly laid pipe or any valved section thereof shall be subjected to a hydrostatic pressure of at least 1.5 times the working pressure at the point of the test, or 150 psi, whichever is greater.
- (e) PE/HDPE pipe has a reduced strength at elevated temperatures. Test pressure must be reduced when the test section is at elevated temperature either from service conditions or from environmental conditions such as being warmed by the sun. Multiply the test pressure by the Table 1 (below) multiplier to determine the allowable elevated temperature test pressure.

Table 1 - Elevated Temperature Multiplier

Test Section Temperature °F	≤80	≤90	≤100	≤110	≤120	≤130	≤140
Multiplier	1.00	0.90	0.80	0.75	0.65	0.60	0.50

\* Use the 80°F multiplier for 80°F and lower temperatures.

- (f) PE/HDPE pipe requires an initial expansion period. Gradually pressurize the test section to the test pressure, and maintain test pressure for 3 hours. During this initial expansion period, polyethylene pipe will expand slightly. Additional test liquid will be required to maintain pressure. It is not necessary to monitor the amount of water added during the initial expansion period.
- (g) When testing PE/HDPE pipe at pressures above system design, pressure up to 1.5 times the system design pressure, the maximum test duration is eight (8) hours including time to pressurize, time for initial expansion, time at test pressure, and time to depressurize the test section. If the test is not completed due to leakage, equipment failure, or for any other reason, depressurize the test section completely, and allow it to relax for at least eight (8) hours before pressurizing the test section again. Testing at excessive pressure or for excessive time may damage the piping system.
- (h) Test pressure shall be held on the piping for a period of at least 2 hours, unless a longer period is requested by the Engineer. Pressure should not fluctuate by more than 5 psi during testing.
- (i) If the testing allowance is greater than that described above, the cause of the excessive leakage shall be determined and after repairs have been made, the line shall be retested. This procedure shall be repeated until the testing allowance is less than the maximum allowable.

**Section 507 - FINAL ACCEPTANCE AND WARRANTY/SURETY**

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final

approval and acceptance by the Director, and concurrence by the Board, shall become the property of the Town and shall thereafter be operated and maintained by the Town. Said sewers, after their acceptance by the Town shall be guaranteed against defects in materials or workmanship for eighteen (18) months, by the applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Board, secured by a surety bond or such other security as the Board may approve. Prior to the connection of the sewer extension to the public sewer, the owner shall provide the Town with (a) Instruments of transfer of all property rights necessary to operate and maintain the sewer extension with acceptable proof of title in such property, (b) the certification of a licensed professional engineer that the sewer extension was constructed in accordance with the approved plans and specifications and (c) the guarantee required under this Section of this Law.

**Section 508 - LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION PERIOD**

(1) Before commencing work, the contractor performing the work shall file with the Town insurance certificates for the following:

(a) Workman's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor;

(b) Personal Injury Liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);

(c) Property Damage Liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

- i - Premises and Operations;
- ii - Independent Contractors;
- iii - Completed operations and products;
- iv - Property Damage; and
- v - Explosions, collapse and underground;

(d) Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

- i - Bodily Injury - each person \$300,000 each occurrence \$500,000
- ii - Property damage - each occurrence \$500,000

(e) All insurance policies must provide for five (5) business days notice to the Town before cancellation and must cover all liabilities of the Town and be in a form approved by the Town.

(f) The Board may increase the minimum levels of liability for the insurance required by this Section upon determination that a change in circumstances (e.g. inflation in damage awards or change in the prevailing levels of coverage for contractors performing sewer construction) or uniform requirements of the County justify or require such increase.

(2) Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the public entity having authority over such public way.

**ARTICLE 6**

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

**Section 601 A - PERMIT REQUIRED FOR SEWER CONNECTIONS**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any

public sewer or appurtenance thereof without first obtaining a written permit from the Director.

**Section 601 B - INFLOW/INFILTRATION PROHIBITED**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer. Area drains may not be connected to the sanitary sewer unless they are designed to transmit only sanitary sewage and not discharges prohibited by this section.

**Section 602 - SEWER LATERAL PERMITS**

There shall be two classes of sewer lateral permits:

- (1) For residential, commercial, and institutional service,
- (2) For service to establishments producing industrial wastes.

In either case, a permit application shall be submitted to the Director. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Director. A fee of \$50 for a connection to a one or two family residential structure, \$150 for a connection to an industrial structure, or \$100 for a connection to all other uses, including apartment buildings and commercial structures shall accompany the application.

**Section 603 A - NEW BUILDING LATERALS**

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

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

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors.

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

**Section 603 B - LATERALS SERVING SEVERAL BUILDINGS**

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgement.

**Section 603 C - LATERALS SERVING COMPLEXES**

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

**Section 603 D - DRY SEWERS**

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

#### **Section 604 - USING EXISTING BUILDING LATERALS**

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

#### **Section 605 - LATERAL PIPE MATERIALS**

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

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

(2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the Director where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Director. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Director. The size and slope of building and street laterals shall be subject to approval by the Director, but in no event shall the internal pipe diameter be less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot.

#### **Section 606 A - STREET LATERAL TO PUBLIC SEWER CONNECTION**

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

#### **Section 606 B - FUTURE CONNECTION LOCATIONS; AS-BUILT DRAWINGS**

The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted a standard plug approved for use by the Director. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing and four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Director. A refundable deposit shall be placed with the Town to assure receipt of these as-built drawings. 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 sanitary sewer shall be accepted by the Town until four (4) copies of this record drawing have been so filed with the Director and the Director has approved the submitted drawings.

#### **Section 606 C - SPECIAL MANHOLE REQUIREMENTS**

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Director, will receive wastewater or industrial 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 Director shall determine if and

where this type of connection to the public sewer is required. Connections to existing manholes shall be made as ordered by the Director. If required, a new manhole shall be installed in the public sewer pursuant to Sections 503 D and 1007, and the lateral connection made thereto as directed by the Director.

#### **Section 607 - LATERALS AT AND NEAR BUILDINGS**

Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. 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. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. 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.

#### **Section 608 - SEWAGE LIFTING**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Director.

#### **Section 609 A - 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 Director. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four (4) feet.

#### **Section 609 B - SERVICE LATERALS FOR LOW PRESSURE HDPE SYSTEMS**

(1) In general, all polyethylene piping shall be installed in accordance with the recommendations of the pipe manufacturer, ASTM D2774 - Standard Practice for Underground Installation of Thermoplastic Piping, and the Plastic Pipe Institute (PPI) Handbook of Polyethylene Pipe.

(2) All far (long) side services shall be installed by method of pushing, boring, or directional drilling. Open cutting of roadways will not be permitted unless otherwise authorized by the Engineer. In the event that the drilling/boring head becomes lodged underneath the pavement section, open cutting of the pavement section to release or retrieve the equipment will not be allowed without written permission from the agency having jurisdiction over the roadway.

(3) Locating wire (tracer wire), as specified in Section 503 D 5 above, shall be installed with all HDPE pipe installations such that the pipe can be accurately located after installation is complete. For installation of PE services, the tracer wire shall be attached directly onto the pipe at intervals of no more than 10 feet, as well as to the casing pipe when applicable. The tracer wire shall be extended the entire length of the service line (and casing pipe when applicable), from the tapping fitting, to the grinder pump and brought to the ground surface, where it can be easily accessed for locating. An at grade tracer box shall be installed at the location of the Grinder Pump in accordance with the manufacturer's recommendations. The tracer wire for the service pipe shall be installed from the grinder pump to the sewer main. It shall be connected to the at grade tracer box at the Grinder Pump and spliced into the tracer wire running along the sewer main at the other end. When the service line is being installed within a PE casing pipe, the tracer wire for the casing pipe shall be extended to the ground surface as well, but shall not be spliced with the tracer wire for the service line. The tracer wire shall be appropriately spliced using connectors per Section 503 D 5 above. Any bare/exposed wire shall be replaced or properly protected against the possibility of incidental grounding following the installation, to the satisfaction of the Director. Should the tracer wire break during the installation processes of any service, it shall be repaired such that the installation is completed as stated above.

(4) The pipe should be installed to provide a minimum depth of cover of 4.5 feet over the top of the pipe,

unless otherwise directed by the Director.

(5) The pipe shall be handled carefully with any gouges larger than 10% of the pipe wall removed from the trench and taken off site.

(6) HDPE outside diameter (OD) controlled piping products shall be connected using heat fusion, electrofusion, and mechanical methods such as MJ Adapters, flanges, and compression couplings. Joining and connection methods will vary depending upon requirements for internal or external pressure, leak tightness, restraint against longitudinal movement (thrust load capacity), gasket requirements, construction and installation requirements, and the product.

(7) All service piping shall be tested as described in Section 505.

(8) Service connections shall be made utilizing saddle tapping tees or molded services saddles, unless otherwise approved by the Director, and shall be affixed to HDPE mainline piping by means of sidewall fusion or electrofusion.

(9) Whenever possible, services shall be constructed using a single piece of pipe. When this is not feasible, and when approved by the Director, several pieces of piping may be fused together to form a single piece of pipe. Compression or mechanical couplings will not be permitted to connect sections of pipe to be used for any far (long) side service installation, and must be approved by the Director for use when connecting sections of pipe for use in installing near (short) side services.

(10) All service taps shall be made using fittings which will accommodate the size and dimension of the mainline pipe, and the service piping. The material and size specifications for each type of installation required shall be verified to determine that the individual components of the proposed system will properly work with each other, and shall be in conformance with the design intent.

(11) Service taps shall be made at 10 o'clock or 2 o'clock on the circumference of the pipe. Construction shall be as detailed on the design drawings. Stagger taps along the length of the pipe no closer than 24 inches apart.

(12) Near (short) side services may be installed by open-cut method. The trench bottom shall be graded flat to allow uniform support for the entire length of the pipe. Six (6) inches of No. 1A stone bedding shall be installed such that uniform support is provided for the entire length of pipe. After the pipe is carefully placed and the pipe-layer has assured them self that the pipe is uniformly supported, the trench shall be carefully backfilled by hand to the springline, with No.1A Stone. Care shall be taken to insure that the material is worked under the haunches of the pipe by hand. The trench shall then be carefully backfilled with the excavator bucket or by front-end loader to a depth of 12-inches of cover over the top of the pipe with No.1A stone.

(13) Each service connection shall have a service lateral kit installed on the service lateral. The service lateral kit (excluding the piping) includes three (3) compression fittings, one (1) combination curb stop/check valve assembly and one (1) curb box. The curb stop/check valve assembly shall be 304 stainless steel and have a two-piece cast 304 stainless steel housing. All plastic compression fittings are to be molded from polypropylene and shall be tested for resistance to aging, pressure rating, tensile strength, and flexural strength. All components shall incorporate compression fitting connections for easy, reliable installation of piping. The lateral kit shall be rated for 150 psi service.

(14) When the service pipe is to be installed within casing pipe, the casing pipe shall be installed from a point within 24" of the service tap along the main, and within 24" of the service lateral kit at the other end of the run. Tracer wire shall be attached to both the service pipe and casing pipe, and brought to the surface for future access.

(15) When service piping must be installed down or up slopes, or under ditches, a minimum of 4.5' of cover must be maintained over the pipe. The maximum depth of cover is 8' unless otherwise authorized by the Director, as it would become difficult and expensive to make repairs on piping beyond that depth.

(16) Curb boxes shall be installed at service lateral kits such that they can be adjusted several inches above or below finished grade, such that the Town has the flexibility to adjust the curb box in the future. Unless otherwise directed by the Director, all curb boxes shall be adjusted such that they are flush with the proposed finished grade

directly adjacent to the curb box. A flag or wooden lath shall be installed next to each valve box so that its location is known at all times during the course of construction.

(17) As-built measurements shall be taken for all components of the service installation, to include the mainline tap, any connection points, and the curb valve and box, and provide the information to the Director for use in assembling record drawings. Whenever possible, measurements shall be made from the front corners of structures, or utility poles. Alternate forms of recording said components, such as GPS equipment, may be used upon approval by the Director.

(18) The location of all underground facilities shall be verified and shall include visual confirmation if required. Damages to existing underground facilities as a result of service lateral installation shall be repaired.

#### **Section 610 A - WATERTIGHT JOINTS**

All joints and connections shall be made watertight.

#### **Section 610 B - CAST IRON PIPE POURED JOINTS**

Poured joints for cast iron pipe shall be firmly packed with oakum or hemp, and the annulus filled with an approved compound not less than 1 inch deep. The said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Director. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees F, nor be soluble in any of the wastes carried by the lateral.

#### **Section 610 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 Director. 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, non-toxic material, and shall not chemically attack the gasket material.

#### **Section 610 D - PVC PUSH JOINTS**

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 605.

#### **Section 611 A - BUILDING LATERAL/STREET LATERAL CONNECTION**

(1) The connection of the building lateral to an existing street lateral shall be made at the upstream terminus of the street lateral. Except as provided under Section 502, 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, at the owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line. The clean-out shall terminate in a metal box imbedded in concrete.

(2) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

(3) The 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) It shall be the responsibility of the property owner to maintain, repair, or replace the 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 Director. After the installation of the street lateral has been approved by the Director, the new street lateral shall become the property of the Town. Any subsequent repairs to the new street laterals shall be made by the Town at the Town's expense.

#### **Section 611 B - CLEANOUT REPAIR/REPLACEMENT**

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

#### **Section 611 C - STREET LATERAL REPLACEMENT; OWNERSHIP**

Any existing street lateral which, upon examination by the Director, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and clean-out shall be at the owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the Director, the new street lateral shall become the property of the Town. Any repairs to new street laterals shall be made by the Town at the Town's expense.

#### **Section 612 - TESTING**

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by (a) any full pipe method described in Section 504, or (b) by a suitable joint method, with the prior written approval of the Director.

#### **Section 613 A - CONNECTION INSPECTION**

The applicant for the building lateral permit shall notify the Director when the building lateral is ready for inspection and connection to the street lateral is to be made. The connection shall be made under the supervision of the Director. When street laterals are installed pursuant to Section 602, the property owner, builder, or developer shall notify the Director when the street lateral is ready for inspection and connection to the main sewer, and such connection shall be made under the supervision of the Director.

#### **Section 613 B - TRENCH INSPECTIONS**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes pursuant to Section 602, such trenches shall be inspected by the Director. Before the trenches are backfilled, the person performing such work shall notify the Director when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Director.

#### **Section 614 - PUBLIC SAFETY PROVISIONS REQUIRED; RESTORATION OF DISTURBED AREAS**

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Director. When installation requires disturbance of paved public roads and shoulders, restoration shall conform to the requirements of the public entity having authority over such public way.

#### **Section 615 - INTERIOR CLEAN-OUT**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout

diameter shall be no less than the building lateral diameter.

**Section 616 - COSTS BORNE BY OWNER**

All costs associated with the provisions of this Article shall be borne by the property owner. 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 and street laterals, and connections and appurtenances.

**Section 617 - FIXTURES AND AREA DRAINS SUBJECT TO BACKWATER**

Where fixture or area drains are subject to overflow as the result of backwater from the public sewer system, accessible backwater valves shall be installed in the fixture drains of such fixtures or in the branch drains of such area drains or an accessible gate valve shall be installed in the building drain at its point of entry inside the building and downstream from any building trap. Nothing in this section shall be construed to permit area drains which are prohibited by Section 601B of this law or otherwise prohibited.

**Section 618 - DESIGN OF BACKWATER VALVES**

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

**Section 619 - SPECIFICATIONS FOR EXISTING AND NEWLY INSTALLED SEPTIC TANKS:**

An existing or newly installed septic tank through which a connection to a public sewer is made to a Public Sewer designed to accept septic tank effluent must meet all of the following criteria:

- (1) The septic tank capacity shall not be less than 1,000 gallons.
- (2) The minimum size of a septic tank for tanks serving multiple residences located in one building or for any tank which receives any sewage which is not generated by residential users is determined as follows:

Daily Flow in Gallons	Tank Size in Gallons
under 5,000	1.5 x daily flow
5,000 - 15,000	3,750 + 0.75 x daily flow
over 15,000	daily flow

The daily flow for each residential unit where one septic tank serves multiple residences located in one building shall be computed as follows:

Number of Bedrooms	Daily Flow in Gallons
One	150
Two	300
Three	400
Four	475
Five	550

(3) Where a commercial, industrial or institutional facility has a short significant delivery period, the size of the septic tank shall be increased to the extent required to enable adequate treatment in the septic tank and to prevent the flow of excessive solids from the septic tank to the public sewer; such size shall be subject to the approval of the Director.

(4) The minimum depth dimension of a septic tank is four (4) feet. The computation of volume of a septic tank for the purpose of this section shall take into account only a depth of four (4) feet.

(5) The total surface area of a septic tank shall be greater than 2.7 square feet and less than 5.3 square feet per 100 gallons of tank capacity.

(6) The length of rectangular septic tanks shall not be less than twice nor more than four times the width of the tank. The minimum length of a rectangular tank shall be six (6) feet.

(7) Inlets and outlets to septic tanks shall be (1) tee-type or (2) baffled with sanitary tees provided as a backup. Gas deflection baffles shall be installed on the tank outlet. The tank outlet shall be at least 3 inches below the tank inlet.

(8) All septic tanks except those serving one or two family residential structures shall have a gravel filter box downstream between the septic tank and the public sewer to prevent tank solids from migrating to the public sewer system. Such filter shall be installed and maintained by the upstream property owner subject to the Director's approval thereof.

(9) All septic tank installations shall provide for inspection by the director or his agent by either a manhole or inspection port extending to the ground surface. These risers will be necessary for aiding in tank location, inspection and pumping. Minimum riser dimension is 20 inches.

(10) Septic tank manhole extension rings and access covers shall be made water and gas tight and shall be provided with locking devices.

(11) An owner of property containing only a single dwelling unit may make application to the Board for a temporary variance from the requirements of this section, within three (3) months of the official notice to connect to the public sewer given pursuant to Article III of this law or up to six (6) months before the expiration of a variance previously given under this subsection which application shall contain the following statements:

(a) The cost of complying with the requirements of this section will work a severe financial hardship upon the property owner, taking into account grants or loans available through the Board or otherwise. All financial data of the property owner relating to this assertion shall be presented with the application including income tax returns, an income statement showing income from all sources (including income not subject to taxation) and a statement of the assets and liabilities of the applicant.

(b) The existing septic tank serving the property is adequate for the existing occupancy of the property, stating the size, construction, and condition of the tank and the extent of the current occupancy of the premises.

(c) The property owner acknowledges that any variance granted under this section has limited duration subject to renewal, that a substandard tank may result in additional operation and maintenance costs to the property owner for such items as a more frequent pumping of the septic tank and that it will terminate six (6) months after (1) the sale of the property (the property owner having the responsibility to advise a prospective purchaser of the upgrade required upon sale), (2) there is a material increase in the occupancy of the property or (3) there is a material improvement in the financial ability of the property owner.

The Board may grant a temporary variance from the requirements of this section under the following circumstances:

(A) The duration of the variance shall not exceed three (3) years but may be renewed by further application made up to six (6) months before the date of its expiration.

(B) The Board determines that the size and configuration of the existing septic tank, considering the existing occupancy of the property, will not cause a substantial risk of damage to the POTW or its process.

(C) The Board determines that the cost of fully complying with the requirements of this section will work a severe financial hardship upon the property owner.

(D) The variance shall immediately terminate prior to its stated duration after (1) the sale of the property, (2) a material increase in the occupancy of the property or (3) a material improvement of the financial ability of the property owner.

(E) A statement of the variance and its duration is recorded with the Cattaraugus County Clerk to provide notice to purchasers of the property to the requirement that full compliance, without variance, with this section be achieved within six (6) months after the sale of the property.

(F) The Board may impose such additional limitations to the variance as it determines are appropriate to effectuate the purpose of this subsection of addressing financial hardship resulting from the imposition of the requirements of this section while protecting the POTW and its processes.

#### **Section 620 - SPECIFICATIONS FOR NEWLY INSTALLED SEPTIC TANKS**

Newly installed septic tanks through which a connection to the public sewer is made must meet the following criteria in addition to that set forth in the preceding section of this Law:

(1) The minimum allowable tank size is 1000 gallons. For tanks longer than 10 ft., a 2 compartment tank is required. For tanks under 10 ft. Long, a 2 compartment tank is not required but is recommended. The inlet chamber shall have a capacity of not less than 65% and more than 75% of the total capacity of the tank. The dividing wall shall extend from the tank bottom to 6 inches above the surface of the tank contents. The two compartments shall be connected by elbows or by a horizontal slot at least 4 inches high and 16 inches wide.

(2) Tanks must be constructed of precast or poured in place concrete, polyethylene or fiberglass. Polyethylene and fiberglass tanks must be factory assembled, with any baffles in place. Care must be taken during installation and backfilling to avoid damaging the walls. After backfilling, the tank shall be inspected by the Director and, if any damage is present, the tank must be replaced or repaired to the satisfaction of the Director. When polyethylene or fiberglass tanks are installed in areas where high groundwater levels may be present, flotation collars must be used to prevent flotation when the tank is emptied.

(3) Concrete septic tanks shall be coated with a bituminous coating to ensure water tightness.

(4) The septic tank shall be placed on a level layer of sand or pea gravel to provide an adequate bedding.

(5) At least one manhole of 20 inches in the shortest dimension is required in each compartment of the tank. Manholes shall be placed over the inlet and outlet of the tank. In a one compartment tank a manhole will be required over the inlet and outlet of the tank. All risers shall extend to the ground surface so that the tank may be inspected and sludge and scum removed conveniently. Septic tank manhole extension rings and access covers shall be made water and gas tight and shall be provided with locking devices.

(6) Septic tanks shall be located at least fifty (50) feet from any private drilled well, at least one hundred (100) feet from any public drilled well, at least seventy-feet (75) feet from any dug well, at least ten (10) feet from the building served, property lines, underground utilities and driveways, in a area free from heavy vegetation that is accessible, or otherwise as specifically approved by the Director. The top of the tank shall be as near as possible to ground level.

#### **Section 621 - SEPTIC TANK MAINTENANCE**

The service lateral, septic tank and appurtenances shall be provided, owned, installed, and maintained by the owner of the property generating sewage connected or required to be connected to the public sewer.

(1) The owner shall cause the contents of the septic tank to be pumped from time to time as reasonably determined to be necessary by the Director. At the time of pumping, the tank and service lateral shall be inspected by the Director for leaks, cracks, or other evidence of failure. Should any failure be discovered, the owner shall be notified to repair or replace the faulty equipment.

(2) If the owner should fail to cause the septic tank to be pumped or fail to correct the faulty equipment as set forth in the preceding subsection, the Director shall remedy such deficiencies and charge all necessary expense to the property owner, the collection of which shall be enforced pursuant to Article 11 of this Local Law.

(3) Septic tanks will be inspected by the Director approximately every two (2) years to determine scum and sludge accumulation. Scum and sludge shall be measured in the first compartment of a two compartment tank. Tanks must be pumped when the bottom of the scum layer is within 4 inches of the bottom of the outlet baffle or tee and when the sludge level is within 8 inches of the outlet device.

#### Section 622 A - GRINDER PUMP COMPONENTS

(1) The grinder pumps shall be complete factory-built and tested Wetwell/Drywell, Semi-positive displacement, 1750 RPM Grinder Pump Stations, each consisting of grinder pump(s) suitably mounted in a basin constructed of high density polyethylene (HDPE) for simplex stations and HDPE or Fiberglass Reinforced Polyester Resin for duplex stations with dimensions and capacities as show on the Contract Drawings, NEMA 6P electrical quick disconnect (EQD), pump removal system, stainless steel discharge assembly/shut-off valve, anti-siphon valve/check valve, each assembled in the basin, electrical alarm panel and all necessary internal wiring and controls. Component type grinder pump systems that require field assembly will not be acceptable due to the potential problems that can occur during field assembly.

(2) The pumps shall be capable of delivering 15 GPM against a rated total dynamic head of 0 feet (0 PSIG), 11 GPM against a rated total dynamic head of 92 feet (40 PSIG), and 7.8 GPM against a rated total dynamic head of 185 feet (80 PSIG). The pump(s) must also be capable of operating at negative total dynamic head without overloading the motor(s).

(3) The pump shall be a custom designed, integral, vertical rotor, motor driven, solids handling pump of the progressing cavity type with a single mechanical seal.

(4) The grinder shall be placed immediately below the pumping elements and shall be direct-driven by a single, one-piece motor shaft. The grinder shall be constructed so as to minimize clogging and jamming under all normal operating conditions including starting. Sufficient vortex action shall be created to scour the tank free of deposits or sludge banks which would impair the operation of the pump. The grinder shall be capable of reducing all components in normal domestic sewage, including a reasonable amount of "foreign objects", such as paper, wood, plastic, glass, wipes, rubber and the like, to finely-divided particles which will pass freely through the passages of the pump and the 1-1/4" diameter stainless steel discharge piping.

(5) The tank shall be a Drywell design made of high density polyethylene, with a grade selected to provide the necessary environmental stress cracking resistance. Corrugated sections are to be made of a double wall construction with the internal wall being generally smooth to promote scouring. The Drywell accessway shall include a lockable cover assembly providing low profile mounting and watertight capability. The station shall have all necessary penetrations molded in and factory sealed. All discharge piping shall be constructed of 304 stainless steel. The pump discharge shall be equipped with a factory installed, gravity operated, flapper-type integral check valve built into the stainless steel discharge piping. The pump discharge shall also be equipped with a factory-installed, gravity-operated, flapper-type integral anti-siphon valve built into the stainless steel discharge piping.

(6) The grinder pump station shall have a cartridge type, easily removable core assembly consisting of pump, motor, grinder, all motor controls, check valve, anti-siphon valve, level controls, electrical quick disconnect and wiring.

(7) All necessary motor starting controls shall be located in the cast iron enclosure of the core unit secured by stainless steel fasteners.

(8) Non-fouling wastewater level controls for controlling pump operation shall be accomplished by monitoring the pressure changes in an integral air column connected to a pressure switch. The level detection device shall have no moving parts in direct contact with the wastewater and shall be integral to the pump core assembly in a single, readily-exchanged unit.

(9) Each grinder pump station shall include a NEMA 4X, UL-listed alarm panel suitable for wall or pole mounting. The NEMA 4X enclosure shall be manufactured of thermoplastic polyester to ensure corrosion resistance. The alarm panel shall include the following features: external audible and visual alarm; push-to-run switch; push-to-silence switch; redundant pump start; and high level alarm capability.

(10) The grinder pump core, including level sensor assembly, shall have two lifting hooks complete with lift-out harness connected to its top housing to facilitate easy core removal when necessary. The level sensor assembly must be easily removed from the pump assembly for service or replacement. All mechanical and electrical connections must provide easy disconnect capability for core unit removal and installation.

#### **Section 622 B - GRINDER PUMP INSTALLATION**

(1) Ground water must be removed from the grinder pump excavation to provide a firm, dry subgrade for the structure, and shall guard against flotation or other damage resulting from general water or flooding.

(2) Installation shall be accomplished so that 1" to 4" of accessway, below the bottom of the lid, extends above the finished grade line. The finished grade shall slope away from the unit. The diameter of the excavated hole must be large enough to allow for the concrete anchor.

(3) A 6" Inch (minimum) layer of naturally rounded aggregate, clean and free flowing, with particle size of not less than 1/8" or more than 3/4" shall be used as bedding material under each unit.

(4) A concrete anti-flotation collar, as detailed on the drawings, and sized according to the manufacturer's instructions, shall be required and shall be pre-cast to the grinder pump or poured in place. Each grinder pump station with its pre-cast anti-flotation collar shall have a minimum of three lifting eyes for loading and unloading purposes.

(5) If the concrete is poured in place, the unit shall be leveled, and filled with water, to the bottom of the inlet, to help prevent the unit from shifting while the concrete is being poured. The concrete must be manually vibrated to ensure there are no voids. If it is necessary to pour the concrete to a level higher than the inlet piping, an 8" sleeve is required over the inlet prior to the concrete being poured.

(6) An alarm device is required on every installation. The alarm device shall be mounted in a conspicuous location, as per national and local codes. The alarm panel will be connected to the grinder pump station by a length of 6-conductor cable as shown on the design drawings.

(7) Proper backfill is essential to the long-term reliability of any underground structure. The recommended method of backfilling is to surround the unit to grade using Class 1 backfill material as defined in ASTM 2321. Class 1A and Class 1B are recommended where frost heave is a concern, Class 1B is a better choice when the native soil is sand or if a high, fluctuating water table is expected. Class 1, angular crushed stone offers an added benefit in that it doesn't need to be compacted.

Another option is the use of a flowable fill (i.e., low slump concrete). This is particularly attractive when installing grinder pump stations in augured holes where tight clearances make it difficult to assure proper backfilling and compaction with dry materials. Flowable fills should not be dropped more than 4 feet from the discharge to the bottom of the hole to avoid separation of the constituent materials.

Backfill of clean native earth, free of rocks, roots, and foreign objects shall be thoroughly compacted in lifts not exceeding 12" to a final Proctor Density of not less than 85 percent. Improper backfilling may result in damaged accessways. The grinder pump station shall be installed at a minimum depth from grade to the top of the 1 1/4" discharge line, to assure maximum frost protection. The finish grade line shall be 1" to 4" below the bottom of the lid, and final grade shall slope away from the grinder pump station.

#### **Section 622 C - GRINDER PUMP TESTING**

(1) The Manufacturer shall provide the services of qualified factory trained technician(s) who shall inspect the placement and wiring of each station, perform field tests, and instruct the Owner's personnel in the operation and maintenance of the equipment before the stations are accepted by the Owner. Upon completion of the installation, the authorized factory technician(s) will perform the following test on each station:

- (a) Make certain the discharge shut-off valve in the station is fully open.
- (b) Turn ON the alarm power circuit and verify the alarm is functioning properly.
- (c) Turn ON the pump power circuit. Initiate the pump operation to verify automatic "on/off" controls are operative. The pump should immediately turn ON.
- (d) Consult the Manufacturer's Service Manual for detailed start-up procedures.

(2) Upon completion of the start-up and testing, the Manufacturer shall submit to the Director the start-up authorization form describing the results of the tests performed for each grinder pump station. Final acceptance of the system will not occur until authorization forms have been received for each pump station installed and any installation deficiencies corrected.

## **ARTICLE 7**

### **INFLOW**

#### **Section 701 - NEW INFLOW SOURCES PROHIBITED**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, surface drainage, sump pump discharge or cooling water to any sewer. Stormwater runoff from limited areas, which stormwater may be polluted at times, may only be discharged to the sanitary sewer by permission of the Director.

#### **Section 702 - NO RE-CONNECTION OF INFLOW SOURCE ALLOWED**

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

#### **Section 703 - CHARGES FOR INFLOW**

The Director is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article 12, however, the Board may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

## **ARTICLE 8**

### **SCAVENGER WASTES**

#### **Section 801 - SCAVENGER WASTES**

Scavenger wastes are not accepted at the POTW of the Town.

## ARTICLE 9

### DISCHARGE RESTRICTIONS AND PROTECTION FROM DAMAGE

#### Section 901 - PRETREATMENT STANDARDS

All users of the Town POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act.

#### Section 902 - GENERAL PROHIBITIONS

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

(1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two successive readings on 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, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.

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

(3) Any wastewater having a pH less than 5.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or 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 floatable fats, waxes, grease, or oils, or fats, waxes, grease or oil which become floatable when the wastes cool to the temperature prevailing in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than 100 mg/l of emulsified oil or grease; also any substances which will cause the

sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

- (7) Any substance which will cause interference or pass through.
- (8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
- (9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Director reserves the right, in certain instances, to prohibit wastes at temperatures lower than 65 degrees C.
- (10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- (11) Any wastewater containing any radioactive wastes except as approved by the Director, and in compliance with applicable State and Federal regulations.
- (12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.
- (14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

**Section 903 - CONCENTRATION BASED LIMITATIONS**

No user shall discharge wastewater to the Sanitary Sewer System or to a septic tank whose outfall empties into a public sewer when any of the pollutant concentrations exceed limits specified below unless permitted by the Director, upon finding that such concentrations do not interfere with the overall operation of the POTW and its ability to meet the state and federal discharge requirements. These concentrations shall be applied to wastewater effluence at a point just prior to discharge into the POTW. With the expressed written consent of the Director, users with multiple discharge out falls may combine wastes streams by calculation to report on wastewater characteristics.

SUBSTANCE (1)	EFFLUENT CONCENTRATION LIMIT - mg/l (2)
Arsenic	0.2
Barium	4.0
Cadmium	0.4
Chlorine (Available)	50.0
Chromium (hex)	0.2
Chromium (total)	1.0
Copper	3.0
Cyanide total)	1.6
Cyanide (free)	0.4
Fluorides	4.0
Gold	0.2
Iron	5.0
Lead	0.5
Manganese	4.0
Mercury	0.2
Molybdenum	0.05

Nickel	1.0
Phenols, total	4.0
Selenium	0.1
Silver	0.2
Sulfides	6.0
Zinc	1.0

(1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

(2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day.

**Section 904 - MODIFICATION OF LIMITATIONS**

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

(1) The limitations in this Law are not sufficient to protect the POTW,

(2) The limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,

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

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

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

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

**Section 905 - DILUTION**

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

**Section 906 - GREASE, OIL, AND SAND INTERCEPTORS**

Grease, oil, and sand interceptors shall be provided for all non-residential users or when, in the opinion of the Director, 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. All interceptors shall be of type and capacity required to meet the discharge standards of this local law, listed by the International Association of Plumbing and Mechanical Officials and approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

**Section 907 - VANDALISM**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with

any structure, appurtenance or equipment which is a part of the POTW. Any person violating this paragraph shall be subject to immediate arrest under a charge of disorderly conduct and to all other remedies as set forth in Article 11 of this law.

#### **Section 908 - MANHOLE ACCESS**

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

#### **Section 909 - ENCROACHMENT UPON TOWN'S FACILITIES AND EASEMENTS**

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

#### **Section 910 - BUILDING PERMITS**

No owner, developer or builder shall be issued a building permit for a new building, structure, roadway, sidewalk or other improvement or modification thereto on any real property located within the Town or located without the Town and connected to the POTW if the construction of such improvement would violate Section 909 of this law.

## **ARTICLE 10**

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

#### **Section 1001 - WASTEWATER DISCHARGE REPORTS**

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

#### **Section 1002 - NOTIFICATION TO INDUSTRIAL USERS**

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

#### **Section 1003 A - WASTEWATER DISCHARGES**

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the Director. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

### **Section 1003 B - WASTEWATER DISCHARGE PERMITS REQUIRED FOR SIGNIFICANT INDUSTRIAL USERS**

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a Wastewater Discharge Permit within 30 days after the effective date of this Law, and shall obtain such a permit within 90 days after making application. The industrial user making application for a permit shall pay the reasonable expenses of the Town for reviewing the permit application and administering the permit including costs relating to the Town's personnel and facilities and out-of-pocket expenses for such items as consulting engineers' fees and laboratory charges.

### **Section 1003 C - OTHER INDUSTRIAL USERS**

The Director may issue Wastewater Discharge Permits to other industrial users of the POTW.

### **Section 1003 D - DISCHARGE PERMITS TO STORM SEWERS NOT AUTHORIZED**

The Town does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

### **Section 1004 A - APPLICATION FOR WASTEWATER DISCHARGE PERMITS**

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Director an application in the form prescribed by the Town. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address).
- (2) SIC code of both the industry and any categorical processes.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 9 and 10 of this Local Law and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- (4) Time and duration of the discharge.
- (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (8) Each product produced by type, amount, process or processes, and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional pretreatment is required for the user to meet all applicable Standards.

(12) If additional pretreatment will be required to meet the Standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.

(c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Director.

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

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

#### **Section 1004 B - PERMIT MODIFICATIONS**

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

- (1) Promulgation of an applicable National Categorical Pretreatment Standard,
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
- (3) Changes in general discharge prohibitions and local limits as per Section 903 of this law,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the POTW,
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

#### **Section 1004 C - PERMIT CONDITIONS**

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations, 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 POTW.
- (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (6) Compliance schedules
- (7) Requirements for submission of technical reports or discharge reports.
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Town, and affording the Director 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 POTW.
- (10) Requirements for the notification of the Town of any change in the manufacturing and/or pretreatment process used by the permittee.
- (11) Requirements for notification of excessive, accidental, or slug discharges.
- (12) Other conditions as deemed appropriate by the Town to ensure compliance with this Law, and State and Federal laws, rules, and regulations.

#### **Section 1004 D - PERMIT DURATION**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### **Section 1004 E - PERMIT REISSUANCE**

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Director, during the term of the permit, as limitations or requirements, as identified in Section 1004 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 set forth in Section 1004 A (12)(a).

#### **Section 1004 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.

#### **Section 1004 G - PERMIT REVOCATION**

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Director timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

#### **Section 1004 H - PUBLIC NOTIFICATION**

The Town will publish in *The Times-Herald* or its successor informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

#### **Section 1005 - REPORTING REQUIREMENTS FOR PERMITTEE**

(1) Baseline Monitoring Report

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit, to the Director, the information required by paragraphs (8) and (9) of Section 1004 A.

(2) 90-Day Compliance Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit, to the Director, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(3) Periodic Compliance Reports

(a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.

(b) The Director may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Director, 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.

(4) Other reports

The Director may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

**Section 1006 - FLOW EQUALIZATION**

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A wastewater discharge permit may be issued solely for flow equalization.

**Section 1007 - MONITORING STATIONS (CONTROL MANHOLES)**

(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 Director may require the installation of a control manhole on each lateral.

(c) The Director may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Director, or his designated representative.

**Section 1008 - PROPER DESIGN AND MAINTENANCE OF FACILITIES AND MONITORING STATIONS**

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

**Section 1009 - VANDALISM, TAMPERING WITH MEASURING DEVICES**

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

- i - any structure, appurtenance, or equipment which is a part of the Town POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law.

**Section 1010 - SAMPLING AND ANALYSIS**

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, 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 composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

#### **Section 1011 - ACCIDENTAL DISCHARGES; SPCC PLAN**

Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit when required by the Director, detailed plans and procedures to provide for this protection shall be submitted to the Director, for approval. This plan shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Users shall immediately notify the Director of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

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

Where possible, such immediate notification shall allow the Director to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Director shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the Director, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Director 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:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW 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;
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

#### **Section 1012 - POSTING NOTICES**

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

#### **Section 1013 - SAMPLE SPLITTING**

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

#### **Section 1014 - ACCESS TO INFORMATION**

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

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or 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 Director shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

#### **Section 1015 A - ACCESS TO PROPERTY**

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

#### **Section 1015 B - ACCESS TO EASEMENTS**

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

#### **Section 1015 C - LIABILITY OF PROPERTY OWNER**

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1014 A and 1014 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

#### **Section 1016 - SPECIAL AGREEMENTS**

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

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the Town for wastewater conveyance and treatment, and sludge management and disposal

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

## **ARTICLE 11**

### **ENFORCEMENT AND PENALTIES**

#### **Section 1101 - ENFORCEMENT RESPONSE PLAN**

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

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

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

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

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

#### **ADMINISTRATIVE REMEDIES**

##### **Section 1102 - NOTIFICATION OF VIOLATION**

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

##### **Section 1103 - CONSENT ORDERS**

The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other

similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

#### **Section 1104 - ADMINISTRATIVE OR COMPLIANCE ORDER**

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

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

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

#### **Section 1105 - CIVIL PENALTIES**

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

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

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

#### **Section 1106 - CEASE AND DESIST ORDERS**

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

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

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

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,

- (3) Request additional information from the user, or
- (4) Order the petitioner to show cause in accordance with Section 1108.

#### **Section 1107 - TERMINATION OF PERMIT**

Any user who violates the following conditions of this Law or a wastewater discharge permit or order, or any applicable or State and Federal law, is subject to permit termination:

- (a) Violation of permit conditions
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge
- (c) Failure to report significant changes in operations or wastewater constituents and characteristics
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

Non-compliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

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

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

#### **Section 1108 - SHOW CAUSE HEARING**

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

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

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

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

## **JUDICIAL REMEDIES**

### **Section 1109 - FINES**

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any order or determination of the Director promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town for a fine not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of 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 at the request of the Director in the name of the Town in any court of competent jurisdiction. In addition to the above described penalty and damages, the Director may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such fine may be released or compromised by the Director 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 Director.

### **Section 1110 - COURT ORDERS**

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

- (1) suspending, revoking, or modifying the violator's Wastewater Discharge Permit
- (2) enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the Town Attorney at the request of the Director in the name of the Town, in any court of competent jurisdiction.

### **Section 1111 - CRIMINAL PENALTIES**

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

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

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

### **Section 1112 - INJUNCTIVE RELIEF**

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Director, through counsel may petition the Court, 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 Director.

### **Section 1113 - DAMAGES**

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

### **Section 1114 - SUMMARY ABATEMENT**

Notwithstanding any inconsistent provisions of this Law, whenever the Director finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in his judgement, present an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Director may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practicable with respect to the condition or activity intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Director may take all appropriate action to abate the violating condition the cost of which shall be collected in the same manner as a civil penalty under Sections 1105, 1109, and 1122 of this Law. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Director shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

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

### **MISCELLANEOUS**

#### **Section 1115 - DELINQUENT PAYMENTS**

If there shall be any payments which are due to the Town or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

#### **Section 1116 - PERFORMANCE BONDS**

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

#### **Section 1117 - LIABILITY INSURANCE**

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

#### **Section 1118 - INFORMANT REWARDS**

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

### **Section 1119 - PUBLIC NOTIFICATION**

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

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

### **Section 1120 - CONTRACTOR LISTINGS**

(a) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town.

(b) Existing contracts for the sale of goods or services to the Town held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Board.

### **Section 1121 - LEVY OF CIVIL PENALTIES**

The Town shall transmit to the County Treasurer on or before October 1 of each year a list of those property owners within the Town against whom a civil penalty has been imposed pursuant to Section 1105 of this law or with respect to whom costs of summary abatement pursuant to Section 1114 of this law have been incurred for which a show cause hearing has been held pursuant to Section 1108 of this law, the notice for which having included advice that such a civil penalty or summary abatement cost will constitute a lien upon the property involved in the violation where such civil penalty or summary abatement cost has been outstanding and unpaid for at least thirty (30) days and has not previously been levied pursuant to this section. The list shall contain a brief description of the properties with respect to which such civil penalties or summary abatement costs were imposed, the names of the person or corporations liable to pay for the same and the amount chargeable to each, including penalties and interest, computed, pursuant to Section 1115 of this law, to December 31. The County shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax roll under the name "Town Sewer Penalty". Such amounts, shall be collected by the Town collector or receiver of taxes. All of the provisions of the tax laws of the State of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such town sewer penalty. Such amounts shall be credited to the appropriate sewer fund of the Town and shall be used only for the purposes of such fund.

## **ARTICLE 12**

### **CHARGES**

#### **Section 1201 - SEWAGE CHARGES**

All Persons using and/or benefitting from the POTW owned by the Town shall pay assessments levied by the Town under Town Law and sewer rents charged by the Town under the General Municipal Law including surcharges for concentrations in excess of those contained in Normal Sewage and penalties for violations of discharge limitations as provided by this law and by the Sewer Rent Law of the Town.

### **Section 1202 - MEASUREMENT OF FLOW**

In the event that a person discharging wastes into the POTW produces evidence, to the Director, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Director shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from un-metered sources, the Director shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Director and shall be installed, maintained, and periodically tested as required by the owner, at his expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Director. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Director, at the owner's expense. The volume of flow to be used in computing surcharges imposed under this Article shall be set forth in the Sewer Rent Laws of the Town referenced in Section 1201 of this law.

### **Section 1203 - PRETREATMENT PROGRAM COSTS**

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

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals
- (8) application for consistent removal status as outlined in 40 CFR 403
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government

### **Section 1204 - IMPACT FEES**

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

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

### **Section 1205 - SEWER RENT LAW VIOLATION**

Any violation of the Sewer Rent Law of the Town enacted pursuant to Article 14-F of the General Municipal Law of the State of New York shall constitute a violation of this Local Law and shall be subject to enforcement pursuant to Article 11 of this Local Law.

## **ARTICLE 13**

### **PUBLIC DISCLOSURE OF POTW OPERATIONS**

#### **Section 1301- POTW OPERATIONS OPEN TO THE PUBLIC**

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

#### **Section 1302- PROCEDURAL REQUIREMENTS AVAILABLE**

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

#### **Section 1303- 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 Law.

## **ARTICLE 14**

### **LOCAL LAW IN FORCE**

#### **Section 1401 - LOCAL LAWS SUPERSEDED**

As of the effective date of this Local Law, Local Laws or parts of Local Laws in conflict herewith are hereby repealed prospectively.

#### **Section 1402 - SEVERABILITY**

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

#### **Section 1403 - EFFECTIVE DATE**

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the (County)(City)(Town)(Village) of Machias was duly passed by the Town Board (Name of Legislative Body) on November 16, 2015, in accordance with the applicable provisions of law.

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

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

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

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

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

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

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Cheryl L. King*

Clerk of the ~~county legislative body~~  City  Town  Village  Clerk   
~~or designated by local legislative body~~ Cheryl L. King

Date: December 14, 2015

(Seal)