



SEWER SERVICE REGULATIONS

ELLCOTTVILLE ENGINEERING DEPARTMENT – SEWER DIVISION

TOWN & VILLAGE OF ELLCOTTVILLE, NY

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SECTION 1 – DEFINITIONS

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 U. S. Environmental Protection Agency (USEPA), Region 2.

AMMONIA:

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

APPLICANT:

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

APPROVAL AUTHORITY:

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

APPROVED LABORATORY AND SAMPLING PROCEDURE:

Techniques prescribed in Standard Methods and the amendments thereto. Where 40 CFR does not contain sampling or analytical techniques for the pollutant in question, or where the Superintendent determines that the Part 136 techniques are inappropriate, sampling and analysis shall be performed using validated analytical methods or any other applicable procedures, including procedures suggested by the Superintendent or other parties.

ASTM, DENOTING AMERICAN SOCIETY FOR TESTING AND MATERIALS:

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

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; and (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.

BOD, DENOTING BIOCHEMICAL OXYGEN DEMAND:

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

BUILDER:

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

BUILDING DRAIN:

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

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.

COD, DENOTING CHEMICAL OXYGEN DEMAND:

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

COLOR:

The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (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:

Attachment of one user to a sewer. (See Extension)

CONNECTION CHARGE / TAP FEE:

The application fee to offset Town and Village 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, 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 superintendent when Town and Village has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONTROL MANHOLE:

A manhole accessible to the Town and Village 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:

The County in which the Town and Village is located.

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 OR INDIRECT DISCHARGE:

The contribution, introduction, spilling, leaking, pumping, pouring, emitting, emptying or dumping of pollutant(s) or wastewater from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act, (33 USC 1317), into the POTW, including scavenger wastes discharged into the system, with ultimate discharge into the waters of the State of New York.

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.

EPA OR ENVIRONMENTAL PROTECTION AGENCY:

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

EXTENSION:

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

FACILITY:

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

FLOATABLE OIL:

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

FLOW RATE:

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

GARBAGE:

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

GRAB SAMPLE:

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

ICS OR INDUSTRIAL CHEMICAL SURVEY FORM:

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

INDIRECT DISCHARGE:

The introduction of wastewater into 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.

ICS OR INDUSTRIAL CHEMICAL SURVEY:

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

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.

INDUSTRIAL WASTE SURVEY OR (IWS):

A survey of industrial users of the County POTW, performed by the County at least every five (5) years, or as necessary, to determine discharge characteristics of the user.

INFILTRATION:

Water, other than wastewater, that enters a sewer system 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 Town and Village POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

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.

LOCAL LIMITS:

The term “Local Limits” shall mean any effluent limits that are established by the Commissioner. This term includes, but is not limited to, limits that are more stringent than applicable categorical pretreatment standards.

MONITORING EVENT:

One, 24-hour composite sample of a user’s discharge, or, in the case of a batch discharge, one grab sample.

NATIONAL CATEGORICAL PRETREATMENT 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 (NPDES) PERMIT:

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

NATIONAL 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 and Village after the effective date of this law.

NEW SOURCE:

Any source, the construction of which is commenced after the publication of the 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 who commences discharge after the effective date of this Law.

NONCOMPLIANCE:

Failure to meet the requirements of this Law and other applicable County, State and Federal pretreatment standards and requirements. Also, failure to adhere to any order, fine or penalty administered by the Commissioner, County, State or Approval Authority.

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, give offense to the senses, or 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. Includes portion of waste water derived from mineral/petroleum and from animal or vegetable lipids.

OLD OWNER:

That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, who or inherited the property at any time and intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

OTHER WASTES:

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

PASS THROUGH:

The discharge which exits the Town and Village POTW into waters of the State in quantities, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of 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 hydrogenions, 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 REQUIREMENT:

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

PRETREATMENT STANDARD:

Any Categorical Standard or Prohibitive Discharge Standard.

PRIORITY POLLUTANTS:

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

PROPERLY SHREDED 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.

PUBLICLY OWNED TREATMENT WORKS (POTW):

A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by Town and Village . 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.

RECEIVING WATERS:

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

RECORDS:

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

ROOF DRAIN:

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

SCAVENGER WASTE:

All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved types of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries that are hauled to the POTW treatment plant. Scavenger waste also includes sludge from small sewage treatment plants, and leachate from landfills. Scavenger waste shall not have been contaminated with Substance of Concern, Priority Pollutants, or be a RCRA Listed or Characteristic Hazardous Waste.

SEPTAGE:

All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also, sludge from small sewage treatment plants. Septage shall not have been contaminated with 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. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town and Village Board.

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:

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. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary.)

SEWAGE, NORMAL:

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

- B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less
- Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- Oil and Grease - 830 lbs. per million gallons (100 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, SLUDGE:

Any solid, semi-solid or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, Type III Marine Sanitation device pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings or ash generated during the incineration of sewage sludge.

SEWAGE TREATMENT PLANT:

See POTW Treatment Plant.

SEWAGE, UNUSUAL STRENGTH OR CHARACTER:

Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

SEWER:

A pipe or conduit for carrying or transporting sewage.

SEWER, PUBLIC:

A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Town and Village.

SEWER, SANITARY:

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

SEWER, STORM:

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, treating, and disposal of sludge and 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.

SIGNIFICANT NON-COMPLIANCE:

A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
- Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under Article 11 of this Law;
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- Failure to report accurately any non-compliance;

- Any other violation which the Superintendent determines will adversely affect the implementation or operation of the local pretreatment program.

SLUG:

A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. 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 Superintendent, whichever is the most conservative.

STATE:

State of New York.

STATE POLLUTION DISCHARGE ELIMINATION PERMIT (SPDES):

A permit issued pursuant to Section 402 of the Act (33 USC 1342).

STATE'S WATERS:

See Waters of the State.

STORM WATER:

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

SUBSTANCES OF CONCERN:

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

SUMP PUMP:

A mechanism used for removing water from a sump or wet well.

SUPERINTENDENT/SEWER DIVISION SUPERVISOR:

That individual nominated by the Town and Village Town Supervisor/Mayor and confirmed by the Town and Village Boards as the Sewer Division Supervisor/Head POTW Operator. Such an individual shall be qualified to oversee POTW operations. This definition shall also include his authorized deputy, agent, or representative. The Sewer Division Supervisor shall report directly to the Town and Village Engineer. Any and all authority granted to the Sewer Division Supervisor shall also be granted to the Town and Village Engineer.

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.

TOTAL KJELDAHL NITROGEN (TKN):

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

TOTAL PHOSPHORUS:

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

TOWN:

The Town of Ellicottville.

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, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

TREATMENT, OR PRETREATMENT:

The elimination of pollutants, reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to our in lieu of discharging or otherwise introducing such pollutants into the POTW or waters of the State. The reduction or alteration can be obtained by physical, chemical and/or biological processes, process changes, or by other means, except by dilution as prohibited by 40 CFR 403.6(d).

USER:

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

USER, SIGNIFICANT, SIGNIFICANT INDUSTRIAL USER (SIU):

An industrial user of the County POTW who meets any of the following criteria as defined in 40 CFR 403.3(t):

- (a) All industrial users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- (b) Any industrial user discharging an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW, excluding sanitary, non-contact cooling and boiler blowdown wastewater;
- (c) Any industrial user discharging a waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- (d) Any industrial user designated as a Significant Industrial User by the Commissioner, on the basis that the industrial user has a reasonable potential, alone or in combination with other discharger(s), for adversely affecting the POTW's operation, sludge quality, POTW treatment plant effluent discharge quality, POTW air emissions, or for violating any pretreatment standard.

Upon a finding that an industrial user meeting the criteria listed above has no reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement, the Commissioner may, at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a Significant Industrial User.

*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 is not detectable.

VILLAGE:

The Village of Ellicottville.

VOLUME CHARGE (USER 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 volume charge shall be based on a specific cost per 100 cubic feet or per 1,000 gallons. The specific charge shall be subject to approval by the Town and Village Boards. 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. The basis of volume charge calculations shall be made available to the public, on demand, as provided in Article 13. The volume charge shall be recalculated annually, as well as the surcharge rates.

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.

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.

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

CWA - Clean Water Act

EPA - Environmental Protection Agency

GPD - Gallons per Day

l - Liter

lb/d - Pounds per Day

LEL - Lower Explosive Limit

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

SPDES - State Pollutant Discharge Elimination System

SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.

U.S.C. - United State Code of Laws

USEPA - United State Environmental Protection Agency

TSS - Total Suspended Solids

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.

SECTION 2 – PUBLIC SEWER USE

A. UNLAWFUL WASTE DISPOSAL:

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 and Village or in any area under the jurisdiction of this Sewer Use Law, any human or animal excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground. Furthermore, no person shall discharge sewage into a well.

B. SEWERAGE AND STORM SYSTEM:

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

C. WASTEWATER DISCHARGE:

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

D. APPROVED WASTEWATER DISPOSAL:

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 to be approved by the Town and Village for sewer use.

E. PRIVATE WASTEWATER DISPOSAL:

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.

F. CONNECTION TO PUBLIC SEWER:

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and Village, and abutting on any street, alley, or right-of-way in

which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within 30 day period after official notice by the Town and Village to do so, provided that said public sewer is within 250 feet of the property line. All sewer laterals, lines, and appurtenances up to and including the connection to the sewer main shall be the responsibility of the owner(s).

G. PUBLIC SEWER USE LIMITATION:

The use of the Town and Village 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.

H. OUTSIDE POTW USE:

The Town and Village Board, on the recommendation of the Town and Village Engineer, 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 or adopt this Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law. The municipality shall grant access to all information that the contributing municipality obtains with respect to sewage discharges to the Town and Village.

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

I. MORATORIUM:

At the recommendation of the Sewer Division Supervisor and Town/Village Engineer, who determines that:

- one or more segments of the POTW is exceeding its hydraulic capacity at any time
- any specific purpose of this Law is being violated

The Town and Village 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:

- construction of new facilities
- enlarging existing facilities
- correction of inflow and infiltration
- cleaning and repairing of existing facilities

J. 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 Town and Village Board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

K. INFLOW:

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

For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Sewer Division Supervisor, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Sewer Division Supervisor, prior to the sale of the property.

Upon notice from the Tax Assessor, the Sewer Division Supervisor shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.

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

The Town and Village Engineer 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 the sewer rates established by the Town and Village of Ellicottville.

L. TRUCKED OR HAULED WASTE:

The discharge of trucked or hauled wastes into the Town and Village sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Sewer Division Supervisor. Applicants for such license shall apply on a form provided by the Sewer Division Supervisor. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Superintendent may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Town/Village Engineer.

The applicant for a license to truck or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the Sewer Division Supervisor, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Sewer Division Supervisor, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Sewer Division Supervisor for willful, continued, or persistent violation thereof.

The Sewer Division Supervisor may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week, or seasons of the year as shall be stated on said license or

as may be relocated by the Sewer Division Supervisor, after appropriate notice. The time and conditions for permissible discharge shall be as set forth on the license, or as may be revised by the Sewer Division Supervisor, after appropriate notice.

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

Each tanker vehicle shall bear an identification sticker visibly displayed, which will be issued with the permit. The source of each load shall be identified in writing by the hauler at the time of delivery. Delivery tickets shall be signed at the sewage treatment plant for each load.

SECTION 3 – PRIVATE SEWAGE DISPOSAL

A. GENERAL:

Where a public sewer is not available, under the provisions of these regulations, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Sewer Division Supervisor, and the County Health Department. Upon installation of a private wastewater disposal system, the owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

B. SEPTIC TANK CONNECTIONS:

No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field.

C. BUILDING PERMIT AND APPLICATION:

A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross- section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Cattaraugus County Department of Health with a copy to the Ellicottville Engineering Department. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH - "Standards for Waste Treatment Works", or NYSDEC "Standards for Commercial and Institutional Facilities", as appropriate.

A written building permit shall be obtained from the Engineering Department before construction commencement. The Sewer Division Supervisor, or his designated representative, shall be permitted to inspect the construction work at any stage, without prior notice.

D. PREVENTING NUISANCES:

When the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the Town or Village, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Sewer Division Supervisor, the County Health Department, or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Engineering Department, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the County Health Department, at the owner's expense.

E. SEPTAGE REMOVAL:

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently.

F. PUBLIC SEWER CONNECTION REQUIRED:

At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

G. ADDITIONAL REQUIREMENTS:

No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Sewer Division Supervisor, to protect public health and public welfare.

SECTION 4 – SEWER MAIN EXTENSIONS

A. APPLICATION EXTENSION:

Unless otherwise indicated, a written application, in the form of a Public Improvement Permit application, on the form furnished by the Town and Village must be submitted to the Town and Village for the purpose of requesting approval of a sewer line extension and sewer service. Said application is to be signed by the owner or owners, and is subject to the terms and conditions included herein. Which application, together with the Rules and Regulations of the Town and Village, shall regulate and control the installation of sewer line extensions and the furnishing of sewer service therefrom. In addition, all applicable forms and permit fees shall be submitted and paid to the Town and Village.

In general, the following rule shall be followed when determining whether the construction of a new sewer line shall be dedicated to the public:

- If the sewer line will be used to serve more than one private entity then the sewer main line and all associated main-line appurtenances will be made public. However, the final determination will be made by the Town and Village Engineer.

The entire cost of the sewer main extension, including the cost of other appurtenances and facilities, shall be borne by the developer.

B. DESIGN:

New sanitary sewers and all extensions to sanitary sewers owned and operated by the Town and Village shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Sewer Division Supervisor, the 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. In addition, the design shall account for all structural loads to be placed on the pipe

If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the Town and Village Board.

Submissions to the Town and Village: The Owner who desires to construct a new sewer main extension must submit the following to the Town and Village:

1. One hard copy and one electronic PDF copy of the plans and specifications.

C. CONSTRUCTION:

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 Sewer Division Supervisor, Town and Village Engineer, and the County Health Department. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Town and Village expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to these regulations, and inspection fees shall be paid by the applicant prior to initiating construction.

Design and installation of sewers shall be as specified in these regulations, and in conformance with standard specifications and standards outlined in these regulations. The installation of the sewer shall be subject to periodic inspection by the Sewer Division Supervisor, without prior notice. The Sewer Division Supervisor 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 Division Supervisor shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Town and Village Board until such construction inspections have been made so as to

assure the Town and Village Board of compliance with this Law and any amendments or additions thereto. The Sewer Division Supervisor 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 Sewer Division Supervisor shall report all findings of inspections and tests to the Town and Village Board.

Plans, specifications, and methods of installation shall conform to the requirements of these regulations. 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 these regulations, and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the applicant shall submit, to the Sewer Division Supervisor, Town and Village Engineer, and to the 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.

D. MATERIALS FOR SEWER PIPE AND APPURTENANCES:

Pipe:

Pipe used on new sewer main extensions shall be constructed of new and unused pipe of one of the following materials. The choice of pipe for the specific application shall be as proposed by the design engineer and approved by the Sewer Division Supervisor. A list and standard drawing set showing the approved materials and methods can be found on the Ellicottville Engineering website: www.evlengineering.com:

1. Polyvinyl Chloride (PVC) Pipe – Gravity Sewer Main – Heavy Wall – ASTM D3034, ASTM F679 SDR35 – Gasketed Joints
2. Reinforced Concrete Pipe (RCP) – ASTM C76 standard – ASTM C150 Type II Portland Cement
3. Polyvinyl Chloride (PVC) Pressure Pipe – Force Sewer Main – ASTM D2241 – Minimum SDR21 wall thickness – 200psi
4. High Density Polyethylene (HDPE) Pressure Pipe – Force Sewer Main – ASTM D3035 – Minimum DR11 wall thickness – 200 psi

All other pipe materials require approval from the Town and Village Engineer prior to issuance of the Public Improvement Permit.

Fittings:

1. PVC gasketed sewer fittings conforming to ASTM F1336, ASTM F477, ASTM F679
2. Ductile Iron fittings w/ cement lining and restraints – American Made!

E. SEWER PIPE INSTALLATION:

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.

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.

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

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.

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

The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods as approved by the Superintendent, before trench excavation is initiated.

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.

Open trenches shall be protected at all hours of the day with barricades, as required.

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 Sewer Division Supervisor. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.

The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.

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.

Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.

No structure shall be undercut unless specifically approved by the Sewer Division Supervisor.

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.

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 nor no higher than one foot below final grade, and left in the trench, during backfill operations.

When the material encountered at grade in the trench is unsatisfactory to support the pipe or is otherwise harmful in the judgment of the Town/Village Engineer, the unstable or unsuitable soils shall be removed and replaced with select material or bedding stone.

All pipe materials shall be installed in accordance with the latest AWWA standards and the latest Ellicottville Engineering Department standards.

Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.

Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

The grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. These alternative procedures, including bending the pipe barrel, deflecting the joint, and using special fittings, shall require prior written approval of the plans and also written confirmation approval of need by the Town and Village Engineer after examination of the site conditions.

When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.

A. *Cleanout Installation.* Cleanouts for low pressure sewers shall be placed at intervals of approximately 400 to 500 feet, at major changes of direction, where one collection main joins another main and at the upstream end of each main branch. The design of all cleanouts shall be approved by the Town and Village Engineer.

B. *Manholes & Installation.* Design of all manholes shall be submitted to the Town and Village Engineer and shall receive approval prior to placement. Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet except as authorized by the Town and Village Engineer. The manhole shall be designed and installed in accordance with Ellicottville Engineering Department standards and ASTM C478. In addition, the following standards shall apply:

All sections shall be cast solid, without lifting holes.

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

All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.

All joints shall be sealed against infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.

Polypropylene steps shall be installed in the inside of manhole walls.

No holes shall be cut into the manhole sections closer than 6 inches from joint surfaces.

Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.

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.

When located in a travelled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be 36 inches, minimum, in diameter. 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.

A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on all junction manholes and on manholes with bends greater than 45 degrees.

Inverts and shelves/benches shall be placed after testing the manholes and sewers.

Benches shall be level and slope to the flow channel at about 1 inch per foot.

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.

Manhole frames, installed at grade, shall be set in a full bed of mortar with no less than two nor more than four courses of brick underneath to allow for later elevation adjustment. In lieu of brick, grade rings may be used for elevation adjustment. Grade rings shall not exceed 6 inches in depth. The total number of grade rings shall not exceed 12 inches in height, however, in no event shall more than 3 grade rings be used.

Manholes which extend above grade, shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six 1/2 inch corrosion resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.

Internal drop pipes and fittings shall be PVC plastic sewer pipe in compliance with ASTM D2241. Corrosion resistant anchors shall be used to attach the drop pipe to the inside surface of the manhole barrel.

C. *Force Main Installation Notes:*

Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

Anchorage, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7-1/2 degrees or greater.

Drain valves shall be placed at low points.

Automatic air relief valves shall be placed at high points and at 400 ft intervals, on level force main runs.

Air relief and drain valves shall be suitably protected from freezing.

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.

The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T". The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least 4 feet long; the lower arm shall terminate in a PVC plastic sewer pipe 90 degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion resistant anchors.

F. TESTING:

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration or exfiltration test before they will be approved and wastewater flow permitted by the Town and Village. All testing requirements shall be in accordance with applicable ASTM standards. In addition, the following testing requirements shall apply:

A. *Infiltration Testing.* Shall be performed where excessive groundwater is encountered. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches.

B. *Exfiltration Testing.* Shall be performed for each section of sewer between successive manholes. The exfiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches.

C. *Low Pressure Air Testing.* May be performed in lieu of exfiltration testing and shall be done in accordance with ASTM C828. The testing shall take place at 4 PSI and shall continue until the pressure reaches 3 PSI. At no time shall the pressure be increased to greater than 10 PSI. Acceptance will be based on the time it takes for the pressure to drop to 3 PSI.

D. *Vacuum Testing.* Shall be performed on all precast concrete manholes prior to backfilling in accordance with ASTM C1244. The manhole shall be brought to a vacuum of 10 inHg and the manhole will be tested based on the length of time it takes to drop to 9 inHg in accordance with ASTM C1244.

E. *Hydrostatic Testing.* Shall be performed on all force mains. The force main shall be tested at 150% of its normal operating pressure for at least 2 hours. The leakage rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. Each test section shall be less than 1,000 ft.

G. DEDICATION OF SEWER LINE TO PUBLIC USE:

All sewer mains and extensions to the sewer system constructed at the Owner's expense, after final approval and acceptance by the Sewer Division Supervisor, shall become the property of the Town or Village and shall thereafter be operated, maintained and repaired by the Town and Village.

A. *Bill of Sale.* Legal transfer of the physical components of the system to the Town and Village must be by Bill of Sale executed by the Owner accurately describing the components of the system.

B. *Property Rights.* Transfer of the system shall also include the grant of property rights acceptable to the Town and Village to property surrounding the sewer system required for the operation, maintenance, repair and replacement thereof as identified on the plans. The Owner shall obtain any necessary rights from other property owners, municipalities or right-of-way holders having such interests. Generally, no acquisition of property rights is necessary for sewer facilities to be installed within the right-of-way of a state, county, or town road as long as the Owner obtains all necessary consents of such governmental entities to the placement of sewer facilities within the bounds of such roads prior to construction.

C. *Attorney's Certificate of Good Title.* The Owner shall provide within thirty (30) days of the recording of instruments conveying property rights required for the operation, maintenance, repair and replacement of the sewer system extension the certification by an attorney admitted to the practice of law within the State of New York stating that the party transferring the system by Bill of Sale and conveyance of property rights as described in this article has clear and marketable title to the property rights transferred to the Town and Village and that the grant of such rights to the Town and Village is free and clear of any prior liens or encumbrances or a title insurance policy in an amount and containing terms acceptable to the Town to the same effect. The Owner is responsible for obtaining any subordination or other agreements necessary to grant clear title to the Town and Village.

D. *Warranty and Maintenance Bond.* The Owner shall warrant the system to be free of defects for eighteen (18) months after the date of the first use of the system or its components and shall provide a cash deposit with the attorney for the Town and Village, a Letter of Credit, or a Maintenance Bond or other security in a form and amount satisfactory to the Town and Village holding the Town and Village harmless from operation, maintenance, repair and replacement of such facilities arising from defects in the design, materials, or construction of such facilities. The requirement for financial security may be waived by the Town and Village where the sponsor of the sewer system extension providing the warranty hereunder is the State of New York, a New York municipal corporation, or agencies thereof.

E. *Third Party Warranties.* The Owner will provide assignments of all warranties applicable to equipment or appurtenances to the system.

F. *Professional Expenses of the Town.* The Owner shall reimburse of the Town and Village for all expenses incurred by the Town and Village incident to the project, including, but not limited to, engineering fees and legal fees, payable as bills are rendered therefor by the Town and Village to the Owner.

G. *Engineer's Certification and Record Drawings.* The Owner shall provide the Town and Village with (a) a certification to the Town and Village by a New York licensed professional engineer that the system has been constructed in accordance with the approved plans and specifications and that it has been tested in accordance with this Law, and (b) three (3) sets of original signature paper copies of record drawings and an electronic PDF copy, designated as such, bearing the seal of the New York licensed professional Engineer, plus a full digital copy, similarly annotated, in AutoCAD or equivalent software acceptable to the Town and Village.

H. LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION:

Before commencing work, the contractor performing the work shall file with the Town and Village insurance certificates for the following:

1. Workman's Compensation and Employer's Liability Insurance as required by the laws of the State of New York covering the contractor;
2. Personal Injury Liability Insurance having limits of not less than \$1,000,000 each occurrence and \$2,000,000 aggregate (personal injury);
3. Property Damage Liability Insurance having limits of not less than \$1,000,000 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. Explosion, Collapse, and Underground
4. Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:
 - i. Bodily injury each person \$1,000,000 each occurrence \$1,000,000
 - ii. Property damage - each occurrence \$1,000,000
5. All insurance policies must provide for thirty (30) business days' notice to the Town and Village before cancellation.

SECTION 5 – SERVICE LATERALS AND CONNECTIONS

A. GENERAL:

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 Sewer Division Supervisor.

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

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

No person shall discharge any water into the sanitary sewer besides sanitary sewer plumbing connections that were originally planned and authorized by the Town and Village Engineer, the Sewer Division Supervisor, and/or the Building Inspector/Code Enforcement Officer. This shall include, but not be limited to, plumbing connections from gutters and downspouts, connections from garage floor drains, and connections from dry wells and french drains.

Any infiltration that is documented by the Sewer Division Supervisor as originating from a privately owned sewer lateral, shall be the responsibility of the property owner to correct in accordance with Section 8 of this law.

B. APPLICATION FOR CONNECTION:

There shall be two classes of sewer lateral permits:

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

(2) For service to establishments producing significant industrial wastes (to be discussed further in following chapter).

In either case, a permit application shall be submitted to the Sewer Division Supervisor or COE/Building Inspector in the form of a sewer tap application and building permit. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the municipal officials. A fee, for residential, commercial, institutional and industrial users, as established by the Town and Village Boards from time to time, shall accompany the application. Any user in excess of **2,500 gallons/day** shall be subject to a downstream capacity analysis/flow capacity study as/if directed by the Town/Village Engineer.

Connections to existing manholes shall be made as directed by the Sewer Division Supervisor.

C. 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 Sewer Division Supervisor has approved plans showing the relocation.

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

Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

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 Sewer Division Supervisor.

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

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

It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.

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 Sewer Division Supervisor.

In general, the following rule shall apply:

- The Town and Village is only responsible for maintaining the sewer main and the sewer main tap. All repair and maintenance costs associated with the lateral shall be borne by the property owner it serves.

D. LATERALS SERVING SEVERAL BUILDINGS AND COMPLEXES:

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 judgment.

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. Such lateral sewer shall be connected to the public sewer through a manhole. The Sewer Division Supervisor and Town/Village Engineer shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer pursuant to these regulations and the lateral connection made and tested as directed by the Sewer Division Supervisor. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

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 Sewer Division Supervisor, 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 Sewer Division Supervisor shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Sewer Division Supervisor.

E. DESIGN AND CONSTRUCTION:

A. MATERIALS:

Pipe:

Pipe used on new sewer laterals shall be constructed of new and unused pipe of one of the following materials. The choice of pipe for the specific application shall be as proposed by the design engineer and approved by the Sewer Division Supervisor. A list and standard drawing set showing the approved materials and methods can be found on the Ellicottville Engineering website: www.evlengineering.com:

1. Polyvinyl Chloride (PVC) Pipe – Gravity Sewer Main - ASTM D3034, ASTM F679 SDR35 – Gasketed Joints

All other proposed pipe materials shall be approved by the Town and Village Engineer and the Sewer Division Supervisor. The materials and installation methods used during construction shall conform to the most recent standards posted on the Ellicottville Engineering website and the following criteria:

- Minimum 4" diameter residential sewer lateral – 2% minimum slope
- Minimum 6" sand bedding above and below pipe
- Tracer wire installed along length of lateral from cleanout to the building penetration

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 this law or otherwise prohibited.

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.

B. 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.

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

All connections shall be made in accordance with the most recent Ellicottville Engineering Department standards.

C. FUTURE CONNECTION LOCATIONS:

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 Sewer Division Supervisor. 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 with a minimum of three (3) tie lines indicated. Three sets of original paper copy as-built drawings shall be submitted to the Town and Village Engineer and Sewer Division Supervisor in addition to an electronic PDF copy, bearing the seal of a New York licensed Professional Engineer, plus a full digital copy, similarly annotated, in AutoCAD or equivalent software acceptable to the Town and Village prior to the issuance of a Certificate of Completion/Occupancy.

D. INSTALLATION:

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Sewer Division Supervisor. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with the most recent Ellicottville Engineering Department standards. At a minimum, the following shall be adhered to:

- The trench width shall be equal to the pipe outside diameter plus 2 ft
- There shall be a minimum of 6" of sand or #1 washed stone above and below the pipe
- Tracer wire shall be installed along all lengths of pipe
- Select granular fill shall be used for backfilling in maximum 6" compacted lifts

E. INSPECTION:

The applicant for the sewer tap application and building permit shall notify the Sewer Division Supervisor or Building Inspector when the building lateral and street lateral is ready for inspection and connection is to be made to the sewer main. The connection shall be made under the supervision of the public official.

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

F. TESTING:

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by the methods outlined in the previous chapter of this law. All service laterals that are greater than 75 feet in length or in the opinion of the Town/Village Engineer shall be tested for infiltration/exfiltration.

G. OWNERSHIP RESPONSIBILITY:

All costs associated with the provisions of this chapter shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Town and Village. The property owner shall indemnify the Town and Village 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 6 – DISCHARGE RESTRICTIONS / REGULATIONS

A. GENERAL:

All users of the Town and Village POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 400 – 471 – “Protection of Environment” – Effluent Guidelines and Standards

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 both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter.

Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Village, 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 or stone grinding or polishing wastes.

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

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

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

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

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

(9) Any solid, liquid, vapor, or gas having a temperature higher than 65 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 Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are 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 Superintendent, 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.

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

B. CONCENTRATION BASED LIMITATIONS:

No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in this law. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations).

SUBSTANCE	EFFLUENT CONCENTRATION LIMIT – MG/L
Acetone	50
Arsenic	0.2
Barium	4.0
Cadmium	0.4
Chromium, Hexavalent	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
Nickel	1.0
Phenol	4.0
Selenium	0.1

Silver	0.2
Sodium	200
Sulfide	6.0
Zinc	1.0
BOD-5	250 mg/L
TSS	250 mg/L
pH	Between 5.0 and 10
Nitrogen (N), mg/L	30 mg/L
Phosphorus (P), mg/L	10 mg/L
Oil & Grease	Less than 50 mg/L

NOTE: These values are subject to change as new standards are released and/or as substances are found to interfere with the Wastewater Treatment Plant operation.

Other substances which may be limited are:

alkanes, alkenes and alkynes

aliphatic and aromatic alcohols and acids

aliphatic and aromatic aldehydes and ketones

aliphatic and aromatic esters

aliphatic and aromatic halogenated compounds

aliphatic and aromatic nitro, cyano and amino compounds

antibiotics

benzene derivatives

chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds

pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides

phthalates

polyaromatic and polynuclear hydrocarbons

total toxic organics, TTO, as defined in 40 CFR 433.11

toxic organic compounds regulated by Federal Pretreatment Standards

unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group

viable pathogenic organisms from industrial processes or hospital procedures

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.

C. GREASE AND OIL SEPARATORS:

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Sewer Division Supervisor, 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 approved by the Sewer Division Supervisor 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.

In general, the following rules shall apply:

1. All commercial kitchens that prepare food on a regular basis shall be required to have a grease and oil separator that collects all of the effluent originating from that commercial kitchen.
2. The preferred type of grease and oil separator is an outdoor, gravity grease interceptor having a minimum capacity of 750 gallons.
3. If the above requirement is not realistic due to space constraints, a hydromechanical, indoor unit may be used that is sized according to the requirements listed on the www.evengineering.com website.

All grease and oil separators shall be cleaned and/or inspected on a regular basis – not less than once per month, and shall be cleaned whenever 25% of any chamber becomes filled with solids. All cleaning records shall be kept on the form provided by the Town and Village and shall be kept on file for inspection by the Town and Village Engineer and the Sewer Division Supervisor.

D. MODIFICATION OF LIMITATIONS:

Limitations on wastewater strength or mass discharge contained in this Law may be supplemented with more stringent limitations when, in the opinion of the Sewer Division Supervisor and Town/Village Engineer:

- (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 and Village 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.

E. REJECTION OF WASTEWATER:

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

SECTION 7 – SIGNIFICANT INDUSTRIAL USERS & DISCHARGE PERMITS

A. GENERAL:

As defined in Section 1, a “Significant Industrial User” is any user that meets any of the following criteria:

- All industrial users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- Any user discharging an average of twenty-five thousand (25,000) gallons per day or more of wastewater to the POTW;
- Any industrial user designated as a Significant Industrial User by the Town and Village Engineer, on the basis that the user has a reasonable potential, alone or in combination with other discharger(s), for adversely affecting the POTW’s operation, sludge quality, POTW treatment plant effluent discharge quality, POTW air emissions, or for violating any pretreatment standard.

Any user classified as “Significant” by the Town and Village Engineer and by the Sewer Division Supervisor shall be subject to a downstream flow capacity study as discussed in Section 5 **and** shall be required to apply for a Wastewater Discharge Permit with the Sewer Division Supervisor.

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

B. WASTEWATER DISCHARGE PERMITS:

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Sewer Division Supervisor an application in the form prescribed by the Town and Village, the application shall be accompanied by a fee, as set forth in this law. 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 Section 6 of this 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 Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.
- (12) If additional pretreatment and/or O&M will be required to meet the Standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (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 Superintendent 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 Superintendent.
- (13) Any other information as may deemed by the Superintendent to be necessary to evaluate the permit application.

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

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

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.

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the Sewer Division Supervisor. 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.

The Sewer Division Supervisor shall, from time to time, request wastewater discharge reports as a means of determining compliance with this Law. The Sewer Division Supervisor may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Sewer Division Supervisor deems necessary. All information shall be furnished by the user in complete cooperation with the Sewer Division Supervisor.

C. PERMIT MODIFICATIONS AND CONDITIONS:

Wastewater Discharge Permits may be modified by the Sewer Division Supervisor, 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 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.

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 and Village. 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 Village, and affording the Sewer Division Supervisor access thereto.
- (9) Requirements for notification of the Town and Village 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 and Village 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 and Village to ensure compliance with this Law, and State and Federal laws, rules, and regulations.

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.

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 Sewer Division Supervisor, during the term of the permit, as limitations or requirements, as identified in the previous paragraph of this section, 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.

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.

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Sewer Division Supervisor 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.

D. PERMIT REPORTING REQUIREMENTS:

The reports or documents required to be submitted or maintained under this section shall include:

- (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 Sewer Division Supervisor, the information required by paragraphs (8) and (9) of Part B of this Section.

(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 Sewer Division Supervisor, 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) The Sewer Division Supervisor may require a compliance schedule for any industrial user. If additional pretreatment and/or operation and maintenance will be required to meet applicable standards, or for the prevention of spills, for personnel training, etc., then the industrial user or Sewer Division Supervisor shall prepare and provide a compliance schedule, pursuant to 40 CFR 403.12(b)(7) and 403.12 (c), to accomplish such pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

b) 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 Sewer Division Supervisor, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Sewer Division Supervisor, 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 the permit application. At the discretion of the Sewer Division Supervisor, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Sewer Division Supervisor 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.

c) The Sewer Division Supervisor 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 periodic compliance report 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, 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) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Sewer Division Supervisor within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sewer Division Supervisor within 30 days after becoming aware of the violation. The User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(5) Other reports

The Sewer Division Supervisor may impose reporting requirements equivalent to the requirements imposed by the previous sections for users not subject to pretreatment standards.

(d) Notification of Change in Discharge: All industrial users shall promptly notify the Commissioner in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

(e) Certification: When submitting reports, notifications, or other required documents to the Control Authority and Approval Authority, an industrial user must provide a statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards and requirements are being met, and, if not, whether additional operation and maintenance and/or pretreatment is required for the industrial user to meet the pretreatment standards and requirements. This certification shall include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(f) Signatory Requirements for Reports: The reports required by Section 903(b), (c), and (d) above shall include the certification statement specified in Section 903(j) above, and shall be signed in accordance with the requirements of 40 CFR 403.12(l).

(g) Record Keeping Requirements: Any industrial user subject to the reporting requirements of this Section shall maintain records of all information resulting from any monitoring activities, whether or not such monitoring activities are required by this Law. These record keeping requirements include documentation of Best Management Practices (BMP's).

Such records shall include, for all samples:

- (1) the date, exact place, method, and time of sampling, and the name(s) of the person(s) taking samples;
- (2) the dates that analyses were performed;
- (3) who performed the analyses;

(4) the analytical techniques/methods used; and

(5) the results of such analyses.

Such records shall be retained for a minimum of three (3) years by the industrial user. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, when requested by the Commissioner or Approval Authority.

(h) Provisions Governing Fraud or False Statements: The reports and other documents required to be submitted or maintained under this Law shall be subject to:

(1) the provisions of 18 USC Section 1001, relating to fraud and false statements;

(2) the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

E. 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 Sewer Division Supervisor. A wastewater discharge permit may be issued solely for flow equalization.

F. MONITORING STATIONS:

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.

If there is more than one street lateral serving an Industrial User, the Sewer Division Supervisor may require the installation of a control manhole on each lateral.

The Sewer Division Supervisor 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 Sewer Division Supervisor, or his designated representative.

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 Sewer Division Supervisor may approve or disapprove the adequacy of such facilities. Where the Sewer Division Supervisor 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 Sewer Division Supervisor. Construction of new or upgraded facilities shall not commence until written approval of the Sewer Division Supervisor has been obtained.

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the 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 and Village POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the Sewer Division Supervisor.

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis. All monitoring and analysis requirements of the National Pretreatment Program as set forth in 40 CFR 403.12 shall apply to all industrial users of the POTW.

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, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

G. ACCIDENTAL DISCHARGES:

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the Sewer Division Supervisor 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 Sewer Division Supervisor to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Sewer Division Supervisor 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 Sewer Division Supervisor, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Sewer Division Supervisor, 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.

H. ACCESS TO PROPERTY AND RECORDS:

The Sewer Division Supervisor and other authorized representatives of the Town and Village, representatives of EPA, NYSDEC, NYSDOH, and/or (-Cty-) County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the Town and Village 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.

The Sewer Division Supervisor, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town and Village holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Town and Village 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.

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

(5) prevent the equitable compensation to the Town and Village for wastewater conveyance and treatment, and sludge management and disposal

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

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

I. LIABILITY OF PROPERTY OWNER:

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in this Section, 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 8 – ENFORCEMENT AND PENALTIES

A. ADMINISTRATIVE PENALTIES:

Notice of Violation:

Whenever the Sewer Division Supervisor 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 Sewer Division Supervisor may serve upon such person a written notice and fine stating the nature of the violation. Within ten (10) calendar days of the date the Sewer Division Supervisor mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Sewer Division Supervisor, 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.

Consent Orders:

The Sewer Division Supervisor 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.

Administrative or Compliance Orders:

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

The User may, within fifteen (15) calendar days of receipt of such order, petition the Sewer Division Supervisor to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Sewer Division Supervisor by registered mail. The Sewer Division Supervisor shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with this Law and may as part of the show cause notice request the User to supply additional information.
- (4) Seek Judicial Remedies

Administrative Fines:

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount in accordance with the most recent Sewer schedule of rates and fines per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Sewer Division Supervisor's notice of such fine, petition the Sewer Division Supervisor to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Sewer Division Supervisor by registered mail. The Sewer Division Supervisor shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with this Law and may as part of the show cause notice request the User to supply additional information.
- (4) Seek Judicial Remedies

Cease and Desist Orders:

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

- (1) Comply forthwith

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

The User may, within fifteen (15) calendar days of the date the Sewer Division Supervisor mails notification of such order, petition the Sewer Division Supervisor to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Sewer Division Supervisor by registered mail. The Sewer Division Supervisor shall then:

(1) Reject any frivolous petitions,

(2) Modify or suspend the order,

(3) Order the petitioner to show cause in accordance with this Law and may as part of the show cause notice request the User to supply additional information.

(4) Seek Judicial Remedies

Termination of Permit:

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

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

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

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

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

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

Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit. The User may, within fifteen (15) calendar days of the date the Sewer Division Supervisor mails such notification, petition the Sewer Division Supervisor to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Sewer Division Supervisor by registered mail. The Superintendent shall then:

(1) Reject any frivolous petitions,

(2) Order the petitioner to show cause in accordance with this Law and may as part of the show cause notice request the User to supply additional information.

Show Cause Hearing:

The Sewer Division Supervisor may order any User appealing administrative remedies for violations of this Law to show cause, before the Town and Village Board, why an enforcement action, initiated by the Sewer Division Supervisor, 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 Town and Village 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 Town and Village Board why the proposed enforcement action should not be taken. Service shall be made on any principal or

executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with this Section. The Town and Village Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town and Village to conduct the hearing:

- (1) Issue, in the name of the Town and Village 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) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town and Village Board for action thereon.

After the Town and Village Board has reviewed the evidence and testimony, it may order the user to comply with the Sewer Division Supervisor's order or fine, modify the Sewer Division Supervisor's order or fine, or vacate the Sewer Division Supervisor's order or fine.

In the event the Sewer Division Supervisor issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Sewer Division Supervisor, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

The Sewer Division Supervisor shall have the right, within the Sewer Division Supervisor's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Sewer Division Supervisor may utilize more than one administrative remedy established pursuant to this Article, and the Sewer Division Supervisor may hold one show cause hearing combining more than one enforcement action.

B. JUDICIAL REMEDIES:

Civil Actions for Penalties:

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Sewer Division Supervisor promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town and Village for a civil penalty IAW the most current schedule of rates/fines published by the Town and Village for each such violation, to be assessed after a hearing (unless the User waives the right to 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 and Village attorney, or his designated attorney, at the request of the Sewer Division Supervisor in the name of the Town and Village, in any court of competent jurisdiction giving preference to courts local to the Town and Village. In addition to the above described penalty, the Sewer Division Supervisor may recover all damages incurred by the Town and Village from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Sewer Division Supervisor promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Sewer Division Supervisor may recover all reasonable attorney's fees incurred by the Town and Village in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the

Sewer Division Supervisor may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

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

Such civil penalty may be released or compromised by the Sewer Division Supervisor before the matter has been referred to the Town and Village Attorney, and where such matter has been referred to the Town and Village 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 and Village Attorney, with the consent of the Sewer Division Supervisor.

Court Orders:

In addition to the power to assess penalties as set forth in this Article, the Sewer Division Supervisor 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, or
- (2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Town and Village Attorney, at the request of the Sewer Division Supervisor, in the name of the Town and Village, in any court of competent jurisdiction giving precedence to courts local to the Town and Village.

The Town and Village Attorney, at the request of the Sewer Division Supervisor shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Criminal Penalties:

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Sewer Division Supervisor made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine IAW the most recent schedule of rates/fines posted by the Town and Village, or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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 be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a

fine IAW the most recent schedule of rates/fines posted by the Town and Village per violation per day or imprisonment for not more than one (1) year or both.

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

Additional Injunctive Relief:

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Sewer Division Supervisor, through counsel may petition the Court, in the name of the Town and Village, 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 Sewer Division Supervisor.

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

Summary Abatement:

Notwithstanding any inconsistent provisions of this Law, whenever the Sewer Division Supervisor finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgement of the Sewer Division Supervisor, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Sewer Division Supervisor may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; 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 Sewer Division Supervisor may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Sewer Division Supervisor shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

If the User is not within the geographic boundaries of the Town and Village the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Sewer Division Supervisor, 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 or the environment.

C. MISCELLANEOUS:

Delinquent Payments:

If there shall be any payments which are due to the Town and Village, or any Department thereof, pursuant to any Article or Section of this Law, which remain unpaid after the date of billing by the Town and Village shall be charged a penalty equal to fifteen percent (15%) of the original bill, and interest shall accrue on the unpaid

balance retroactive to the date of the original billing. The Town and Village reserve the right to levy the unpaid amount on the owner's taxes.

Upon any account becoming delinquent for payment of sewer services for a period of time exceeding 60 days, the Town and Village shall provide a mailed written notice ("Shut Off Notice") to the resident and, if different, the owner of the premises, advising both persons of the delinquency. This delinquency may be disputed by filing a written statement of the reasons for the dispute with the Town and Village. If such a dispute is filed, it will be investigated and a formal written response will be given within twenty (20) days. The termination will be deferred pending the processing of the dispute.

If a delinquent account holder is unable to pay the balance due on the account prior to the termination date, the Town and Village shall offer a reasonable installment payment agreement plan to delinquent account holders who have not previously defaulted on an installment payment agreement. Any installment payment is to be made in addition to the amount due on the delinquent customer's regular monthly bills. A payment agreement may be denied to any delinquent customer who has defaulted on prior agreements.

In the collection of user charges and other Town and Village claims and assessments, the Town and Village shall reserve the right to assess and collect reasonable attorney fees.

Performance Bonds:

The Sewer Division Supervisor 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 Sewer Division Supervisor to be necessary to achieve consistent compliance.

Liability Insurance:

The Sewer Division Supervisor 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.

Public Notification:

The Sewer Division Supervisor Shall provide public notification, in the daily newspaper with the largest circulation in the Town and Village, of Users which were in significant non-compliance of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

Contractor Listings:

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

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

SECTION 9 – BILLS AND PAYMENTS

A. SEWER SERVICE CHARGES:

All bills are payable at any office or any pay agency as designated by the Town and Village. All invoices shall be paid in United States dollars, and may be paid by cash, check, money order, or credit/debit card if applicable.

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited.

All bills for services furnished by the Town and Village will be based on the published Schedule of Rates of the Town and Village sewer system. All bills shall be rendered and are due and payable as noted on the bill. Each premise will be subjected to a fixed minimum charge based on the user class of the individual or facility. Any usage above the minimum will be charged at a fix/uniform rate.

The Billing Period shall be quarterly for all users.

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge of twenty-five (25) percent of the appropriate base fee for the classification they are assigned.

The Town and Village has established schedules of tapping fees for all connections to sewer main lines. Fees are in accordance with the Schedule of Rates. The sewer tapping fee is designed to be a capacity/connection fee established based on providing sewer services to the premises by the sewer system, users, the public or persons who request such services. A tapping fee shall be paid each time a new and/or updated service connection is installed.

B. MEASUREMENT OF FLOW:

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Town and Village Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Sewer Division Supervisor, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Sewer Division Supervisor 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 Sewer Division Supervisor 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 Sewer Division Supervisor and shall be installed, maintained, and periodically tested as required by the Sewer Division Supervisor, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Sewer Division Supervisor. 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 Sewer Division Supervisor, at the owner's expense.

C. MISCELLANEOUS:

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

Charges for Trucked and Hauled Wastes:

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

Capital Recovery:

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

Use of Revenues:

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

- (a) For the payment of the operation and maintenance, including repair and replacement costs of the Town and Village POTW,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Village POTW,

(d) For the extension, enlargement, replacement of, and/or additions to the Town and Village POTW, including any necessary appurtenances.

Records and Accounts:

The Town and Village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Town and Village will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

Classification of old and new industrial users should also be reviewed annually.

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

SECTION 10 – OTHER GENERAL REGULATIONS

A. PUBLIC DISCLOSURE OF POTW OPERATIONS:

It shall be the policy of the Town and Village (Boards) to conduct all business with full disclosure to the public.

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 Village and be made available to any resident of the Town and Village upon request.

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

B. CONFLICTS, SEVERABILITY, EFFECTIVE DATE, AND APPLICABILITY:

The provisions of any Town and Village law in conflict with any provision of this Law are hereby repealed.

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

This law shall take effect 30 days after its filing in the office of the Secretary of State.

All Sections of this Law shall apply in all areas of the Town and Village.