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Town of Plattsburgh

Local Law No. 1 of the year 2013

A local law superseding in its entirety Town of Plattsburgh  
Local Law No.

(Insert Title)

6 of the year 1997 entitled, **\*\*A LOCAL LAW REGULATING THE USE OF \*\***

Be it enacted by the

\_\_\_\_\_ of the  
(Name of Legislative Body)

Town of Plattsburgh  
as follows:

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**\*\* PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE  
DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING  
SEWERS, AND THE DISCHARGE OF WATERS AND WASTE INTO THE  
PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR  
VIOLATIONS THEREOF FOR THE CONSOLIDATED AND BASE SEWER  
DISTRICTS OF THE TOWN OF PLATTSBURGH, CLINTON COUNTY, NEW  
YORK, AND ALL FUTURE SEWER DISTRICTS ESTABLISHED BY SAID  
TOWN OF PLATTSBURGH AND CONNECTED TO THE CITY OF  
PLATTSBURGH MUNICIPAL SEWER SYSTEM.\*\***

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

TOWN OF PLATTSBURGH  
CLINTON COUNTY, NEW YORK  
2013 SEWER USE AND INDUSTRIAL PRE-TREATMENT LOCAL LAW  
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ARTICLE I  
GENERAL PROVISIONS

SECTION 1.1 - Purpose and Policy. This local law sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Plattsburgh Sewer Districts in the State of New York and will enable the Town of Plattsburgh (hereinafter referred to as "Town") to comply with all applicable State of New York and Federal laws required by the Clear Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403). **This local law hereby revokes and supersedes Town of Plattsburgh Local Law No. 6 of the year 1997 in its entirety.**

The objectives of this local law are:

- (a) to prevent the introduction of pollutants from Town of Plattsburgh sewer districts into the City of Plattsburgh Wastewater System (hereinafter referred to as the "System"), which would interfere with the operation of the System, contaminate the resulting sludge and/or pass through the System inadequately treated into receiving waters -or the atmosphere or which pollutants would be in any way incompatible with the System;
- (b) to improve the opportunity to recycle and reclaim sludge from the System; and
- (c) to provide for equitable distribution of the cost of the System among the customers of the Town sewer districts serviced by the System.

This local law provides for (1) the regulation of direct and indirect contributors to the System through the issuance of permits to users and through enforcement of general requirements for the other users, (2) authorizes monitoring and enforcement activities, (3) requires "significant industrial user" reporting, (4) assures that existing capacity of customers will not be pre-empted, and (5) provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This local law shall apply to users within the boundaries of the Consolidated and Base Sewer District, and to users outside the Town's sewer districts who are, by contract or agreement with the sewer districts for the Town, users of wastewater collection by a Town sewer district and the System which services such wastewater collection. This local law shall also apply to all future sewer districts established by the Town and connected to the System.

Section 1.2 - Abbreviations. The following abbreviations shall have the following designated meanings.

ASTM	- American Society of Testing Materials
BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand

EPA	- Environmental Protection Agency
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NPDES	- National Pollutant Discharge Elimination System Conservation
NYSDEC	- New York State Dept. of Environmental Conservation
O&M	- Operation and Maintenance
POTW	- Publicly-Owned Treatment Works
SIC	- Standard Industrial Classification
SIU	- Significant Industrial User
SPDES	- New York State Pollutant Discharge Elimination System
SWDA	- Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TSS	- Total Suspended Solids
USC	- United States Code.
WPCP	- City of Plattsburgh Water Pollution Control Plant
WPCF	- Water Pollution Control Federation'

Section 1.3 - Definitions. The following words and terms as used in this local law, shall have the following meanings unless the context or use specifically indicated otherwise:

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

Administrator. The Administrator of the USEPA.

Approval Authority. The Director in NPDES state with an approved state pretreatment program and the Administrator of the EPA in a NPDES state without an approved state pretreatment program.

Authorized Representative of Industrial User. An authorized representative of an industrial user may be:

- (i) a principal executive officer of at least the level of vice President if the industrial user is a corporation;
- (ii) a general partners or proprietor if the industrial user is a partnership or proprietorship; or
- (iii) a duly-authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20°) degrees centigrade expressed in milligrams per liter (mg/l).

Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the

inner face of the building wall. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Building Sewer. The sewer pipe or extension from the building drain to the public sewer or other place of disposal.

Combined Sewer. A sewer receiving both surface runoff and sewage.

Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.

City. The City of Plattsburgh.

Cooling Water. The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the City's Water Pollution Control Plant's SPDES permit, where this plant is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the WPCP SPDES permit.

Control Authority. The term "Control Authority" shall refer to the "Approval-Authority" as defined herein.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of New York.

Easement. Private property through which the Town holds a duly - negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of the wastewater system or appurtenances thereto.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency.

Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, septic tanks and vacuum-pump tank trunks.

Incompatible Pollutant. All pollutants other than compatible pollutants as defined herein.

Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 403 of the Act (33 U.S.C. 1342).

Industrial Waste. The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

Interference. The inhibition or disruption of the Town's Wastewater System or the City's Water Pollution Control Plant treatment processes or operations which contribute to a violation of any requirement of the City's SPDES Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the City's Water Pollution Control Plant).

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 (33 U.S.C. 1347) which applies to a specific category of Industrial User.

National Prohibitive Discharge Standard or "Prohibitive Discharge Standard". Any regulation developed under the authority of section 307 (b) of the Act and 40 CFR, section 403.5.

Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New Source. Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced:

- (a) After promulgation of Pretreatment Standards under section 307 (c) of the Act, which are applicable to such source; or
- (b) After proposal of Pretreatment Standards in accordance with section 307 (c) of the Act, which are applicable to such source but only if the standards are promulgated in accordance with section 307 (c) within 120 days of their proposal.

Pass Through. A discharge which exits the City WPCP into water of the United States in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, causes, contributes to the cause of, or increases the

magnitude or duration of, a violation of any requirement of the City WPCP's SPDES permit.

Person. Any individual, firm, company, association, partnership, society, joint stock company, corporation, group, trust, estate, governmental entity or any other legal entity or their representatives, agents .or assigns.

pH. A measure of the acidity or alkalinity in a water or wastewater discharge.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or Treatment. The reduction of the amount. of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Town's Sewer District System or Publicly Owned Treatment Works (POTW). The reduction or alteration can be obtained by physical, chemical or biological processes or process changes and other means, except as prohibited by 40 CFR section 403.6 (d).

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

Pretreatment Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited Discharge Standards. Absolute prohibitions against the discharge of certain substances as set forth in Section 5.1.

Properly-Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Public Sewer. A sewer controlled by public authority in which all owners of abutting properties have equal rights.

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 the City. For the purpose of this local law, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or

agreement with the City, users of the City's POTW.

Sanitary Sewer. A sewer which carries sewage and to which storm surface water and ground water are not intentionally admitted.

Sewage. A combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

Sewage Treatment Plant. Any arrangement of devices and structures used for treating sewage.

Sewage Works. All facilities for collecting, pumping, treating and disposing of sewage.

Sewer. All pipe or conduit for carrying sewage.

Significant Industrial User. Any industrial user of the Town's Wastewater Disposal System who:

- (i) is subject to promulgated categorical pretreatment standards (NRDC Consent Decree Industries)
- (ii) found by the Town, City, State or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system or
- (iii) is a manufacturing industry using annually over 10,000 pounds or 1,000 gallons of raw material containing priority pollutants/substances of concern and discharging a measurable amount of these pollutants to the system, discharges an average of 25,000 gallons per day or more of process wastewater to the Town (excluding sanitary noncontract cooling and boiler blowdown wastewater)
- (iv) has a process discharge flow more than five (5) percent of the flow or load carried by the WPCP.

Significant Non-Compliance. An Industrial User is in Significant Non-Compliance if the Industrial User:

- (A) is in chronic violation of wastewater discharge limits. Chronic violation of wastewater discharge limits occurs when sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);
- (B) is in violation of the Technical Review Criteria (TRC). A TRC violation occurs when thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable



- TRC. The TRC equals: 1.4 for BOD, TSS, fats, oil, and grease; and 1.2 of all other pollutants except pH;
- (C) is in violation of a pre-treatment effluent limit (daily maximum or longer-term average) that the Control Authority determines to have caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WPCP personnel or the general public);
  - (D) discharges a pollutant that causes imminent danger to human health, welfare or to the environment or has results in the WPCP's exercise of its emergency authority under Article 9 of this chapter to halt or prevent such a discharge;
  - (E) fails 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;
  - (F) fails 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;
  - (G) fails to accurately report non-compliance;
  - (H) Commits any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug. Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes, more than five times the average 24-hour concentration or flows during normal operation.

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.

State. State of New York.

Storm Drain. A sewer which carries storm and surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

Suspended Solids. The total suspended matter that floats on the surface of or is suspended in water or other liquids and which is removable by filtering.

Superintendent. The person designated by the City to supervise the

operation of the Water Pollution Control Plant and who is charged with certain duties and responsibilities by this article, or his duly authorized deputy, agent or representative.

Superintendent of Water & Sewer. The Superintendent of the Water and Sewer Department of the Town or his authorized deputy, agent or representative.

Town. The Town of Plattsburgh, Clinton County, and the Town Board of the Town of Plattsburgh acting for and on behalf of the Route 3 Sewer District, Bluff Point Sewer District, Cliff Haven Sewer District, Cumberland Corners Sewer District, Industrial Park Sewer District and Halsey's Corners Sewer District and all other future sewer districts of the Town serviced by WPCP.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of CWA 307 (a) or other Acts.

Town's Wastewater System. All facilities of the Town or others utilized for the collecting, pumping, treating and disposing of sewage.

Unpolluted Water. Natural water containing no man-made or man induced alteration of its chemical, physical, biological or radiological characteristics. Unpolluted cooling water means natural water containing only heat in quantities which will not contravene water quality standards or limitations imposed in this local law.

User. Any person who contributes, causes or permits the contribution of wastewater into the Town's Wastewater System for any of the said Sewer Districts.

Wastewater. The liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, 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 Water Pollution Control Plant.

Watercourse. A channel in which a flow of water occurs either continuously or intermittently.

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.

Wastewater Contribution Permit. As set forth in this local law.

ARTICLE 2  
USE OF PUBLIC SEWERS REQUIRED

Section 2.1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

Section 2.2. It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this local law.

Section 2.3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 2.4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situate within the Town 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 sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within ninety (90) days after the date of official-notice to do so, provided that said public sewer is within three hundred (300) feet (30.5 meters) of the owner's property line.

Section 2.5. The Cadyville wastewater treatment plant shall be limited to the existing properties served. Connection requirement per Section 2.4 are not required in this service area.

ARTICLE 3  
PRIVATE SEWAGE DISPOSAL

Section 3.1. Where a public sanitary or combined sewer is not available under the provisions of Article 2, Section 2.4, the building sewer shall be connected to a private sewage disposal system.

Section 3.2. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of New York.

Section 3.3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.

Section 3.4. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this local law and any private sewage disposal system, septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or other suitable material.

ARTICLE 4  
BUILDING SEWERS AND CONNECTIONS

Section 4.1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, building sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Water and Sewer.

Section 4.2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial waste. In either case, the owner shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent of Water and Sewer. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit, shall be paid to the Town at the time the application is filed.

Section 4.3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4.4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 4.5. Old building sewers may be used in connection with new buildings only when they are found after examination and test by the Superintendent of Water and Sewer to meet all requirements of this local law.

Section 4.6. The size, slope, alignment, materials of construction of a building sewer, and methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 4.7. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharges to the building sewer.

Section 4.8. No person shall make connection of roof downspouts,

exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 4.9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Su<sup>P</sup>erintendent of Water and Sewer before installation.

Section 4.10. The applicant for the building sewer permit shall notify the Superintendent of Water and Sewer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of Water and Sewer or his representative. Inspection of a building sewer shall be made within 24 hours of notification.

Section 4.11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the Town Superintendent of Highways pursuant to the required Highway Permit Procedure.

ARTICLE 5  
USE OF PUBLIC SEWERS

Section 5.1 - General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Interference or Pass Through. These general prohibitions apply to all users whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements. A user may not contribute the following substances to the Town's Wastewater System or the City's POTW:

- (a) any liquids, solids or gases which by reason of their nature and quantity, are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Town's Wastewater System or the POTW or to the operation of the WPCP. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five (5%) percent nor any single reading over ten (10%) percent of the Lower explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the Town, State or EPA has notified the User is a fire hazard or a hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half 1/2)inch in any dimension, animal guts or tissue, 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 of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (c) Any wastewater having a Ph less than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the Town's Wastewater System or the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, 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 WPCP or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not to be limited to any pollutant identified pursuant to section 307 (a) of the Act.
- (e) Any noxious or malodorous liquids, gases or solids which

- either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which may cause the Town's Wastewater System or the WPCP effluent or any other products of the Town's Wastewater System or the WPCP such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with any reclamation process. In no case shall a substance discharged into the Town's Wastewater System or the POTW cause the Town's Wastewater System or the WPCP to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
  - (g) Any substance which will cause the Town's Wastewater System to violate its Inter-municipal Agreement or the WPCP to violate its SPDES Permit or the receiving water quality standards.
  - (h) Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (i) Heat in amounts which will inhibit biological activity in the WPCP resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
  - (j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the Town's Wastewater System or the WPCP. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.
  - (k) Any wastewater containing any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
  - (m) Petroleum oil, non biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
  - (n) Pollutants which result in the presence of toxic gases, vapors or fumes with the Town 's Wastewater System in a quantity that may cause acute worker health and safety problems.
  - (o) Any trucked or hauled pollutants, except at discharge points designated by the Town.



- (p) Pollutants which create a fire or explosion hazard in the Town's Wastewater System, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21

Section 5.2 - Conditional Discharges . If any water or waste is discharged or is proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in section 1 of Article 5 and which, in the judgment of the Superintendent of Water and Sewer, may have a deleterious effect upon the Sewer System sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent of Water and Sewer may;

- (a) reject the waste;
- (b) require pretreatment to an acceptable condition for discharge to public sewers;
- (c) require control over the quantities and rates of discharge;
- (d) require payment to cover the added costs of handling and treating the waste not covered by existing taxes or sewer charges. If the Superintendent of Water and Sewer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City, the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial firm, and subject to all applicable Federal Categorical Pretreatment Standards and other pollutant limitations. Any municipal or private contractee to the Town is required to comply with all aspects of this local law.

Section 5.3 - Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent of Water and Sewer, they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent of Water and Sewer and shall be located so as to be readily and easily accessible for cleaning and inspection.

Section 5.4 - Maintenance of Preliminary Treatment or Flow-Equalizing Facilities. Where provided for, any water or waste requiring these facilities, shall be maintained continuously in satisfactory and effective operation by the owner at his sole expense.

Section 5.5 - Wastewater Measurements, Tests and Analyses. Wastewater measurements, tests and analyses, when required, shall be

determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association or, in the case of industrial wastewater, as approved by the Administrator of EPA and shall be determined at the control manhole provided or upon suitable samples taken at, said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily-accepted methods to reflect the effect of constituents upon the Town's Wastewater System or the POTW and to determine the existence of hazards to life, limb and property, (The particular analyses involved will determine whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls where Ph is determined from periodic grab samples.)

Section 5.6 - Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this local law for sources in that subcategory, shall immediately supersede the limitations imposed under this local law. The Superintendent of Water and Sewer shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

Section 5.7 - Specific Pollutant Limitations. No person shall discharge wastewater containing in excess of:

- 1.0 mg/l cyanide
- 2.7 mg/l copper
- 2.6 mg/l zinc
- 0.7 mg/l cadmium

Section 5.8 - State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this local law.

Section 5.9 - Town's Right of Revision. The Town reserves the right to establish by local law or ordinance, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 1.1 of this local law.

Section 5.10 - Excessive Discharge. No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the Town, City or State without the prior written consent of the Superintendent of Water and Sewer.

Section 5.11 - Accidental Discharges. Each user shall provide protection from accidental discharge of prohibited materials other substances regulated by this local law. Facilities to prevent accidental

discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of any new facility which will be a SIU. All existing SIU's shall complete such a plan by January 1, 1985. No SIU which commences contribution to the Town's Wastewater System after the effective date of this local law shall be permitted to introduce pollutants into the system until the facilities to prohibit accidental discharge and the operating procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this local law. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Town of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

The required elements of the control plan include:

- 1) Description of the discharge practices, including non-routine batch Discharges.
- 2) Description of stored chemicals.
- 3) Procedures for immediately notifying the Town of Slug Discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five days.
- 4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment , measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Within five days following an accidental discharge, the user shall submit to the Superintendent of Water and Sewer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, damage or other liability which may be incurred as a result of damage to the Town's Wastewater System or POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur, are advised of the emergency notification procedure.

Section\_\_ 5.12\_ -\_ Protection\_ from\_ Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE 6  
SPECIAL PERMITS FOR SIGNIFICANT INDUSTRIAL USERS  
INTO TOWN'S WASTEWATER SYSTEM

Section 6.1. All significant industrial users (SIU) proposing to connect or contribute to the Town's Wastewater System, shall obtain a special SIU Wastewater Discharge Permit before connecting or contributing to the POTW. This permit is not related to building sewer permits which are required under Article 3, section 3.2 of this local law. All existing significant Industrial users already connected or contributing to the Town's Wastewater System, shall obtain a special SIU Wastewater Discharge Permit within 180 days after the effective date of this local law.

Section 6.2 - Special SIU Wastewater Discharge Permit Application. Users required to obtain a special SIU Wastewater Discharge Permit shall complete and file with the Town an application in the form prescribed by the Town and accompanied by the appropriate fee. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name and address of the owner and location of the facility (if different from the address of the owner);
- (b) SIC number according to the standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Article 6 of this local law, as determined by a reliable laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 3-minute peak wastewater flow rates including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and Plumbing plans and details to show all sewers, sewer connections and appurtenances by size, locations and elevation;
- (g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than

the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an Engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (2) No increment referred to in paragraph (1) shall exceed 9 months.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent of Water and Sewer including as a minimum, whether or not it complies 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 taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between the submission of such progress reports to the Superintendent of Water and Sewer.
- (j) Each product produced by type, amount, process or processes and rate of production.
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
- (m) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

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

Section 6.3 - SIU Permit Modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Special SIU Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Special SIU Wastewater Discharge Permit as required by Section 6.2 herein, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Special SIU Wastewater Discharge Permit shall

submit to the Superintendent of Water and Sewer within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraph (h) and (i) of section 6.2 herein.

Section 6.4 - SIU Permit Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this local law and all other applicable regulations, user charges and fees established by the Town. Permits shall contain the following:

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

Section 6.5 - SIU Permit Duration. SIU Permits shall be issued for a specified time period not to exceed 5 years. At the option of the Town, a permit may be issued for a period less than one year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modifications by the Town during the term of the permit as limitations or requirements are modified 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 change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 6.6 - SIU Permit Transfer. SIU Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold

to a new owner, new user, different premises or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 6.7 - Reporting Requirements for SIU Permit Holders.

(A) Compliance Date 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 Town's Wastewater System, any user subject to Pretreatment Standards and Requirements shall submit to the Superintendent of Water and Sewer 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 facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or 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.

(B) Periodic Compliance Reports.

(1) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard or, in the case of a New Source, after commencement of the discharge into the Town's Wastewater System, shall submit to the Superintendent of Water and Sewer during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent of Water and Sewer, a report indicating the nature and consideration 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 paragraph (a) of this section. At the discretion of the Superintendent of Water and Sewer, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent of Water and Sewer may agree to alter the months during which the above reports are to be submitted.

(2) The Superintendent of Water and Sewer may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are



appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Superintendent of Water and Sewer of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

- (C) All reports and certifications must include the necessary signatory requirements per 40 CFR 403.12(I).
- (D) All SIUs must comply with the record-keeping requirements found in 40 CFR 403.12(o).

Section 6.8 - Monitoring Facilities for SIU Permit Holders. The Town shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situate on the user's premises but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public road or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.

Section 6.9 - Inspection and Sampling. The town shall inspect the facilities of any user to ascertain whether the purpose of this local law is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or their representatives ready access at all reasonable

times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The Town, POTW, Approval Authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The filing of an application for a SIU Wastewater Discharge permit shall automatically grant to the Town the right of ingress to and egress from the premises of the applicant/user to conduct on the premises of the applicant/user sampling inspections, compliance monitoring and/or metering operations prior to and after issuance of a SIU Wastewater Discharge Permit. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Town, POTW, Approval Authority and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Section 6.10 - Pretreatment. Users shall provide necessary wastewater Pretreatment as required to comply with this local law and shall achieve compliance with all National Categorical Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this local law. Any subsequent changes in the pretreatment facilities or method of operating shall be reported to and be acceptable to the Town prior to the user's initiation of changes.

The Town shall annually publish in its official newspaper a list of the users which were not in compliance with any Pretreatment Requirements or Standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the POTW, EPA or NYSDEC upon request.

SIUs must comply with the requirements of 40 CFR 403.12(p) including notifying the Town, in writing, of any discharge of a substance, which, if otherwise disposed of would be hazardous waste under 40 CFR 261.

ARTICLE 7  
FEES

Section 7.1 - Purpose. It is the purpose of this article to allow the Town to recover costs from the users of the Town's wastewater disposal system for the implementation of the Industrial Pretreatment Program established herein. The applicable charges or fees shall be set forth in the Town's "Schedule of Charges and Fees - Industrial Pretreatment."

Section 7.2 - Charges and Fees. The Town may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting up and operating the Town's pretreatment programs;
- (b) fees for monitoring, inspection and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit application;
- (e) fees for filing appeals;
- (f) fees for consistent removal by the City WPCP of pollutants otherwise subject to National Pretreatment Standards; and -
- (g) other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by the Industrial Pretreatment Program and are separate from all other fees chargeable by the Town.

ARTICLE 8  
INSPECTION

Section 8.1 - Powers, and Authority of Inspectors. The Superintendent of Water and Sewer and other duly authorized employees of the Town, NYSDEC and U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this local law.

The Superintendent of Water and Sewer may require a user of sewer services to provide information needed to determine compliance with this local law. These requirements may include:

- (a) Wastewater discharge peak rate and volume over a specified time period;
- (b) Chemical analysis of wastewaters;
- (c) Information on raw materials, processes and products affecting wastewater volume and quality;
- (d) Quality and disposition of septic liquids, sludge, oil, solvent or other materials important to sewer use control;
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- (f) Details of wastewater pretreatment facilities; and
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 8.2 - Confidential Information. Information and data on a user obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections, shall be available to the public or other governmental agencies without restriction, UNLESS the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this local law, the State Pollutant Discharge Elimination System (SPDES) Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential shall not be transmitted by the Town to any governmental agency or to the general public until and unless a 10-day notification is given to the user.

Section 8.3 - Safety and Entry of Inspectors. While performing the

necessary work on private properties referred to in Article 8, section 1 above, the Superintendent of Water and Sewer or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless from injury or death of the Town employees and the Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of this gauging and sampling operation, except as such may be caused by the negligence or failure of the user to maintain safe conditions.

The Superintendent of Water and Sewer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly-negotiated easement for the purposes of, but not limited to, inspection observation, measurement, sampling, repair and maintenance. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly-negotiated easement pertaining to the private property.

ARTICLE 9  
ENFORCEMENT

The Town may suspend the wastewater treatment service and/or Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or which causes interference with the POTW or causes the City to violate any condition of its SPDES Permit.

Section 9.1 - Enforcement. As provided in this Article, the provisions and requirements of this chapter, or any order, permit, license or approval issued hereunder shall be enforced by any or all of the following enforcement remedies:

- (A) Notice of violation;
- (B) Show cause hearing;
- (C) Compliance order;
- (D) Consent order;
- (E) Cease and desist order;
- (F) Suspension of treatment services or wastewater permit, or both;
- (G) Revocation of a permit, license, or approval;
- (H) Administrative fine;
- (I) Civil penalties;
- (J) Injunctive relief; and
- (K) Criminal penalties.

Section 9.2 - Notification of Violation. Whenever the Superintendent of Water and Sewer finds that any user has violated or is violating or contributes to violating this local law, the User's Wastewater Discharge Permit or any prohibition, limitation or requirements contained herein, the Superintendent of Water and Sewer may serve upon such User a written notice stating the nature of the violation. Within ten (10) days of the receipt of the notice a plan by or on behalf of the User, a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent of Water and Sewer by the User. Submission of such a plan does not relieve the User of liability under this chapter for any violations occurring before or after receipt of the notice of violation.

Section 9.3 - Show Cause Hearing.

- (A) The Superintendent of Water and Sewer may order any User who has violated or is violating or contributing to the violation of this chapter, the User's wastewater discharge permit, any order issued hereunder, or any prohibition or limitation of requirements contained herein, to show cause before the Superintendent of Water and Sewer why the proposed enforcement action 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 Superintendent of Water and Sewer 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 Superintendent of Water and Sewer why the proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation. Even if a User is ordered to show cause, the Town may concurrently pursue other enforcement remedies.

- (B) The Superintendent of Water and Sewer shall conduct the hearing, take evidence and issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings. The Superintendent of Water & Sewer shall decide which testimony, documents and other exhibits are to be admitted into evidence. The Superintendent of Water and Sewer shall admit all evidence which is relevant, material or of probative value, but the rules of evidence shall not be applicable to a hearing conducted by the Superintendent of Water and Sewer.
- (C) At any hearing held pursuant to this local law, testimony taken will be under oath and recorded stenographically or by tape recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- (D) After the Superintendent of Water and Sewer has reviewed the evidence, the Superintendent of Water and Sewer may refer the matter to the Town Attorney for judicial enforcement, revocation of the permit, license or approval, or for issuance of a compliance order to the User or quash the enforcement proceedings. Further orders and directive as are necessary and appropriate may be issued.

Section 9.4 - Compliance order. When the Superintendent of Water & Sewer finds that any User has violated or is violating or contributes to the violation of this chapter, the User's wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the Superintendent of Water and Sewer may issue an order to the User directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as are reasonably necessary and appropriate to address the noncompliance, including but not limited to the installation of pretreatment technology, additional self-monitoring and revised management practices.

Section 9.5 - Consent Orders. The Superintendent of Water and Sewer empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a User responsible for the noncompliance. Consent orders shall state the specific action to be taken by the User to correct the noncompliance

within a time period specified therein. Consent orders shall have the same force and effect as compliance orders issued pursuant to Section 9.4.

Section 9.6 - Cease and Desist Orders. When the Superintendent of Water and Sewer finds that any User has violated or is violating or contributes to the violation of this chapter, the User's wastewater discharge permit, or any prohibition, limitation, or requirement contained herein, the Superintendent of Water and Sewer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (A) Comply forthwith; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including but not limited to halting operations and terminating the discharge.

Section 9.7 - Suspensions. The Superintendent of Water and Sewer may suspend wastewater treatment service or a wastewater discharge permit, or both, or any other permit, license, or approvals when such suspension is necessary, as determined by the Superintendent of Water and Sewer in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment or the POTW or the Town's Wastewater System or which causes the city to violate any condition of its SPDES Permit. The User shall be notified of the suspension in writing by the Superintendent of Water and Sewer and the suspension shall be effective immediately upon the User's receipt of such notice.

Section 9.8 - Suspension Compliance.

- (A) Any User notified of a suspension of wastewater treatment service a wastewater discharge permit, or both, or any other permit, license, or approval, shall upon receipt of notification of suspension, immediately stop or eliminate the contribution or discharge. In the event of a failure of a User to immediately comply voluntarily with the suspension order, the Superintendent of Water and Sewer shall take such steps as deemed necessary including but not limited to immediate severance of the sewer connection, to prevent or minimize damage to the WPCP or sewer system or endangerment to any individuals or the environment. The Superintendent of Water and Sewer shall reinstate the wastewater discharge permit, the wastewater treatment service, or both, or any other suspended permit, license or approval, upon proof that the endangerment has passed. However, notwithstanding the provisions of this section, no suspension shall be lifted if revocation proceedings have been commenced against the User.
- (B) A detailed written statement describing the causes of the harmful contribution or discharge and the measures taken to prevent any future occurrence shall be submitted by the User to the Superintendent of Water and Sewer within 15 days after the date of the commencement of the occurrence.

Section 9.9 - Revocation of Permit, License or Approval.

- (A) The permit, license, or approval of any User may be revoked



in accordance with the procedures of this Article of this chapter for any of the following violations;

- 1) Failure of a User to factually report the wastewater constituents and characteristics of the User's discharge;
  - 2) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
  - 3) Refusal of reasonable access to the User's premises for the purposes of inspection or monitoring; or,
  - 4) Violation of an order, wastewater discharge permit, any other City issued permit, license or approval, or applicable state or federal regulations.
- (B) Prior to revocation of any permit, license or approval, an order to show cause shall be issued as provided in this Article.

Section 9.10 - Affirmative Defenses, Temporary Noncompliance System Bypass.

- (A) Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Superintendent of Water and Sewer thereof, by telephone or other means, within one (1) hour of becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the User within five (5) days. The report shall contain:
- 1) A description of the upset, its cause(s), and the impact on the discharger's compliance status;
  - 2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored; and
  - 3) All steps taken or planned to reduce, eliminate, and prevent recurrence of such and upset.
- (B) A User which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the Superintendent of Water and Sewer for any noncompliance with this chapter, or an order, permit, license, or approval issued hereunder, which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.
- (C) A bypass of the treatment system is prohibited unless all of the following conditions are met:
- 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe

- property damage; and
  - 2) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
  - 3) The User properly notified the Superintendent of Water and Sewer described in Subsection D of this section.
- (D) Users must provide notice to the Superintendent of Water and Sewer by telephone or other means, within one (1) hour of discovery of an unanticipated bypass. If necessary, the Superintendent of Water and Sewer may require the User to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.
- (E) A User bypass may be approved by the Superintendent of Water and Sewer which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Superintendent of Water and Sewer at least ten (10) days in advance. The Superintendent of Water and Sewer may approve the anticipated bypass only if the circumstances satisfy those set forth in Subsection C of this section.

#### Section 9.11 - Appeals.

- (A) Any final action or decision of the Superintendent of Water and Sewer, which is an exercise of enforcement powers authorized in this chapter, may be appealed by the User or person aggrieved by the final enforcement action or decision.
- (B) For purposes of determining when an appeal is allowed, the following actions or decisions shall be considered final actions or decisions of the Superintendent of Water and Sewer.
- 1) issuance of a compliance order;
  - 2) issuance of a cease and desist order;
  - 3) suspension of wastewater treatment service, a wastewater discharge permit, or any other permit, license or approval, for a period longer than thirty (30) days;
  - 4) revocation of wastewater treatment service, a wastewater discharge permit, or any other permit, license or approval;
  - 5) severance of a sewer connection for a period longer than thirty (30) days; or
  - 6) levy of an administrative fine.
- (C) All other actions and decisions of the Superintendent of Water and Sewer shall not be appealable, including but not limited to:
- 1) issuance of a notice of violation;
  - 2) issuance of a show cause order;
  - 3) issuance of a notice of hearing;
  - 4) rulings, decisions and actions regarding the admissibility of evidence and any other matter

- arising in connection with the conduct of an enforcement hearing;
- 5) entering into or accepting consent orders, assurances of voluntary compliance or similar documents establishing an agreement with a User responsible for noncompliance;
- (D) All appeals shall be commenced by filing a written notice of appeal with the Superintendent of Water and Sewer within fifteen (15) days after the final action or decision of the Superintendent of Water and Sewer. If a notice of appeal is not timely filed, then the final action or decision of the Superintendent of Water and Sewer shall be binding, non-appealable, and enforceable in subsequent judicial proceedings, civil or criminal, or both.
- (E) All appeals authorized hereunder shall be heard by the Town Board. Upon the filing of a timely notice of appeal, the Superintendent of Water and Sewer shall deliver all records, documents, evidence, hearing transcripts, data, and all other relevant information to the Town Board.
- (F) The Town Board shall conduct a hearing on the appeal, shall issue notices of the hearing, and may request the attendance and testimony of witnesses and the production of evidence relevant to the appeal. The Town Board shall admit all evidence which is relevant, material or of probative value, but the rules of evidence shall not apply to the appeal hearing. The provisions of Subsection C of Section 9.4 shall apply to the appeal hearing.
- (G) The appeal to the Town Board shall be de novo. The Town Board may affirm, reverse or modify the actions or decisions of the Superintendent of Water and Sewer which are challenged in the appeal.
- (H) The Town Board shall issue written findings of fact and conclusions of law in its resolution of the appeal.

Section 9.12 - Injunctive Relief. The Superintendent of Water and Sewer, through the Town Board may petition a court of competent jurisdiction for a preliminary or permanent injunction, or both, restraining or compelling activities of a User who has violated this chapter, or any permit, license, approval or order issued hereunder.

Section 9.13 - Judicial remedies. If a user violates this chapter or any permit, license, approval or order issued hereunder, the Superintendent of Water and Sewer through the Town Attorney, may commence an action for appropriate legal or equitable relief, or both, including but not limited to enforcement of any orders issued hereunder, in a court of competent jurisdiction.

Section 9.14 - Annual Publication of Significant Violations. The Superintendent of Water and Sewer shall publish, at least annually in the largest daily newspaper circulated in the service area, a description of those Users who are found to be in significant violation of this chapter or any permit, license, approval or order issued hereunder during the period since the previous publication.

ARTICLE 10  
FINES, PENALTIES AND CRIMINAL OFFENSES

Section 10.1 - Administrative fines. Notwithstanding any other section of this chapter, any User who is found to have violated any provision of this chapter, or any permit, license, approval, or order issued hereunder, shall be fined by the Superintendent of Water and Sewer in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as are available to collect other service charges. Unpaid charges, fines and penalties, after final action by the Superintendent of Water and Sewer or after final action by the Town Attorney after an appeal from a decision of the Superintendent of Water and Sewer, shall constitute a lien against the User's property.

Section 10.2 - Civil Penalties. Any user who is found to have violated an order issued hereunder or who willfully or negligently failed to comply with any provision, prohibition, limitation or requirement of this local law or any permit license or approval issued hereunder, shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) per day of each offense or violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover as a civil penalty actual damages incurred by the Town to its sewage system, as well as reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the User.

Section 10.3 - Criminal Offense. Any User who willfully or negligently violates any provision, limitation, prohibition or requirement of this chapter or any order, permit, license or approval issued hereunder, shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment for not less than sixteen (16) days nor more than one (1) year or both.

Section 10.4 - Falsifying Information. Any person who knowingly makes any false statements, representations or certifications in application, record, report, plan or other document filed or required to be maintained pursuant to this Section or wastewater contribution permit, who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Section, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months or by both.

ARTICLE 11  
PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect impair or invalidate the remainder thereof.

ARTICLE 12

REPEAL

All other local laws and parts of other local laws inconsistent or conflicting with any part of this local law are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE 13  
EFFECTIVE DATE

This local law shall take effect upon its being duly filed in the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2013 of the Town of Plattsburgh was duly passed by the Town Board on 2013, in accordance  
(Name of Legislative Body)

with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_, and was (approved) (not disapproved) (repassed after disapproval) by the \_\_\_\_\_ (Name of Legislative Body) (Executive Chief Executive Officer\*) and was deemed duly adopted on \_\_\_\_\_ 19 \_\_.

In accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19 . Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 19 \_\_, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by, the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_, and was (approved)(not disapproved) (repassed (Name of Legislative Body)

after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19 \_\_. Such local law was subject to (Elective Chief Executive Officer\*)

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_, in accordance with the applicable provisions of law.

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



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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19 \_\_, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York: having been submitted the electors at the General Election of November \_\_\_\_\_ 19 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

\_\_\_\_\_  
Clerk of the County legislative body, Town or officer designated by local legislative

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK

COUNTY OF. Clinton

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Town Attorney  
Title

Town of \_\_\_\_\_ Plattsburgh

Date: \_\_\_\_\_