

CHAPTER 49

SEWERS AND SEWAGE DISPOSAL

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ARTICLE I -DEFINITIONS

49-1 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

ASTM – Shall mean the latest edition of American Society for Testing and Materials.

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

1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
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) – Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20C expressed in parts per million by weight.

Builder – Shall mean any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

Building Drain – Shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

Building Sewer - Shall mean the extension of pipe or conduit from the building drain to the public sewer or other place of disposal.

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

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.

Federal Water Pollution Control Act (FWPCA) – Also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

Garbage – Shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Industrial Chemical Survey (ICS) – The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

Industrial Wastes – Shall mean the wastewater from industrial processes, trade, or business distinct from domestic or sanitary wastes.

May – is permissive.

Natural Outlet – Shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Owner - Shall mean any individual, firm, company, association, society, person, or group having title to real property.

Person - Shall mean any individual, firm, company, partnership, association, society, corporation, or group.

PH – Shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

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

Public Sewer – A sewer in which all owners of abutting properties have equal rights and is controlled by the Village.

Public Street right-of-way – Shall mean the boundary line of the easement for a public street

Sanitary Sewer – A sewer that carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

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

Sewage Treatment Facilities – Shall mean any arrangement of devices and structures used for conveying or treating sewage.

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

Sewer – A pipe or conduit used for carrying sewage.

Sewer District – Shall mean any sewer service area outside the Village limits that is connected to the Village sewer system.

Shall – is mandatory.

Significant Industrial User (SIU) – An industrial user of the Village sewage treatment plant who is:

1. Subject to National Categorical Pretreatment Standards promulgated by the EPA;
2. Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works;
3. Using, on an annual basis, more than 10,000 lb. or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system; or
4. Discharging more than five percent of the flow or load of conventional pollutants received by the sewage treatment plant.

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

Significant Non-Compliance (SNC) - A User is in significant non-compliance if its violation(s) meets(s) one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those, in 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.
2. Technical Review Criteria (TRC) violations, defined here as those, in which 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).
3. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Village determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of sewage treatment plant personnel or the general public).
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the Village's exercise of its emergency authority under Article 11 of this Code.

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to report accurately any non-compliance.
8. Any other violation which the Village determines will adversely affect the implementation or operation of the local pretreatment program.

Slug – Any flow or constituent that for a duration of 15 minutes has a concentration greater than 5 times that of normal sewage

Storm Sewer or Storm Drain – A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent – The Superintendent of Public Works of the Village of Arcade, or his authorized deputy, agent, or representative.

Suspended Solids – Shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Total Kjeldahl Nitrogen – Shall mean the quantity of nitrogen released as ammonia during the digestion of ammonium and organic compounds by the Kjeldahl method and standard laboratory procedures, expressed as milligrams per liter of nitrogen.

Total Phosphorus – Shall mean the quantity of orthophosphate measured by standard laboratory procedures following hydrolysis of phosphorus compounds, expressed as milligrams per liter of phosphorus.

Village - The Village of Arcade, New York.

Village Board or Board Of Trustees – The duly elected Board of Trustees of the Village of Arcade, or its authorized deputy or representative.

Watercourse – Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Wastewater – Shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be present.

ARTICLE II – USE OF PUBLIC SEWERS

49-2 UNLAWFUL DEPOSITS ON PUBLIC OR PRIVATE PROPERTY; EXCEPTIONS

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste. This section shall not apply to lands used for farm purposes and to areas designated for municipal refuse disposal.

49-3 POLLUTED WATER, SEPARATE STORM AND SANITARY SEWERS

It shall be unlawful to discharge into any watercourse, either directly or through any storm sewer within the Village, or in any area under the jurisdiction of the Village, any sewage, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the Village. (No combined sewers will be allowed.)

49-4 CONSTRUCTION OR MAINTENANCE OF PRIVIES, SEPTIC TANKS, CESSPOOLS

Except as hereinafter provided, it shall be unlawful, without a permit, to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

49-5 ADEQUATE TOILET FACILITIES REQUIRED

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the 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 sanitary sewer of the Village, 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 ordinance within 90 days after the date of official notice to do so, provided that said public sewer is located within 100 feet of the public street right-of-way.

49-6 PRIVATE WASTEWATER DISPOSAL UNLAWFUL

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

ARTICLE III – PRIVATE SEWAGE DISPOSAL

49-7 CONNECTION WITH PRIVATE SEWER WHERE PUBLIC SEWER NOT AVAILABLE; INSTALLATION PERMIT

Where a public sanitary sewer is not available under the provisions of §49-5, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the New York State Department of Health and the New York State Department of Environmental Conservation dealing with septic tank installations. A permit must be obtained from all applicable agencies (including the Village and the NYS DEC) prior to installation of said facilities.

49-8 CONNECTION WITH PUBLIC SEWER WHEN AVAILABLE; ABANDONING PRIVATE FACILITIES

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in §49-5, a direct connection shall be made to the public sewer in compliance with this ordinance within six months, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

49-9 STATE HEALTH REQUIREMENTS

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

49-10 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 five year intervals or more frequently.

49-11 CONSTRUCTION PERMIT 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 building, shall be submitted to the Village. A fee, established by Article 12, shall accompany the application. 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.

49-12 CONSTRUCTION PERMIT

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

49-13 PREVENTING NUISANCES - REHABILITATION REQUIRED

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 Village, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Village, the County Health Department, or the NYSDOH, the owner of the premise upon which such wastewater disposal system is located, upon receiving written notice from the Village to do so shall, within 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 at the owner's expense in accordance with the rules and regulations of the NYSDOH and the County Health Department.

ARTICLE IV – BUILDING SEWERS; CONNECTION FEES

49-14 INTERFERING WITH PUBLIC SEWERS OR APPURTENANCES; PERMITS

No person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

49-15 BUILDING SEWER PERMITS, APPLICATION, FEES

There shall be two classes of building sewer permits: a) for residential and commercial service, and b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village. A permit and inspection fee shall be paid to the Village Clerk at the time an application is filed, such fees being established by resolution of the Village Board.

49-16 SEPARATE AND INDEPENDENT BUILDING SEWERS; EXCEPTIONS

A separate and independent building sewer shall be provided for every building. Where building sewers are to serve multiple-dwelling structures, there shall be provided at least one separate building sewer for each group of eight apartments (or less).

49-17 USE OF EXISTING SEWERS FOR NEW BUILDINGS

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this ordinance.

Abandoned building sewers shall be carefully capped and sealed to prevent the entry of ground water.

49-18 BUILDING SEWER SPECIFICATIONS

Building sewer materials shall be one of the following:

1. Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Soil Pipe and Fittings." All dimensions, weights, and markings

- of the pipe shall conform to the requirements of ANSI, Designation A1 12.5. 1, except spigot ends shall be plain end if gasket joints are used.
2. Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specifications D3034-85b, "Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. Any part of the building sewer that is located within 2 feet of a water main or water service shall be constructed of cast iron soil pipe, and may be required by the Village where the building sewer is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Village. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not exceed 10 feet, except under abnormal circumstances, in which case this dimension may be exceeded if approved by the Village.
 3. A minimum four (4) inch inside diameter service weight cast iron pipe or schedule 40 PVC shall be carried for a distance of at least ten (10) feet from the inside foundation wall and connected to the building sewer with an adapter. In cases where the building trap and cleanout is located outside the foundation wall, the length of the trap and cleanout wye will be included in the ten feet measurement. A main trap shall be located in the building drain, whenever possible just inside the foundation wall. A special trap or traps for the interception of grease and oil shall be provided on a connection from a hotel, restaurant, club or institutional kitchen, public garage or automobile washing station; or when in judgment of the Superintendent the nature of the proposed use necessitates the use of such a trap. A fresh air inlet of four (4) inch minimum internal diameter and located not more than four (4) feet upstream from the main trap shall be carried above the surface of the ground at the exterior of the building and ventilated by means of a cap or other suitable device having an open ventilating area at least equal to the area of the inlet pipe. A cleanout shall be installed at the downstream side of the main trap and the trap shall be accessible for cleaning. Cleanouts shall be installed in the building sanitary piping wherever necessary to facilitate rodding and specifically at the ends of all horizontal runs which are encased in concrete. The building sanitary piping shall be ventilated by means of a pipe extending at least six (6) inches above the roof and not less than two (2) feet above the head of any window located within five (5) feet.
 4. Building Sewers shall be laid on a uniform minimum gradient of one percent (1%) and a maximum gradient of six percent (6%). Changes in direction shall be made by use of 45° bends or long sweeps to facilitate rodding. Hubs of all pipe and fittings shall face upstream. Whenever possible, the building sewer shall be brought to the building at the elevation below the basement floor. The base for the pipe shall be shaped and compacted if necessary to provide firm bedding throughout its length.
 5. Where fixtures are subject to overflow as the result of backwater from the Village sanitary sewer system, a valve or backwater trap shall be installed in the building drain at a point between the main trap and the cleanout

6. No person shall make, or continue the connection of, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, rainwater, or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
7. No building sewer, or building drain, shall be constructed to connect with the Village sanitary sewer system, nor shall any building sewer or building drain be removed, repaired, replaced or relocated except in accordance with this Section.
8. When the work will require excavating within the limits of a State highway the applicant shall obtain the necessary permits from the New York State Department of Transportation and the consent of any other parties affected, before starting work. When the work will require excavating within the limits of any Village street, alley or public place, the applicant shall obtain the necessary street opening permit at the Village office, and the consent of any other affected parties.

49-19 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 that permits the flow into the public sewer from the lateral to enter at right angles.

49-20 SIZE AND SLOPE REQUIREMENTS

The size and slope of the building sewer shall be subject to the approval of the Village, but in no event shall the diameter be less than 6 inches, nor shall the slope of the pipe be less than 1/4-inch per foot (2%) nor greater than 3/4 inch per foot (6%).

49-21 ELEVATION OF BUILDING SEWER

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within 3 feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of the building sewers that are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

49-22 INADEQUATE GRAVITY FLOW; DISCHARGE BY MECHANICAL MEANS

In all building in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer, except where a permit has been granted to the contrary under the provisions of Article H.

49-23 EXCAVATIONS REQUIRED FOR INSTALLATION; BACKFILL SPECIFICATIONS

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Village. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12, except that no backfill shall be placed until the work has been inspected, and except that trench widths measured at the top of the installed pipe shall not exceed 24 inches.

The first eighteen (18) inches of backfill material shall be clean earth, sand, or screened gravel which does not contain boulders, cinders, or other substances which might damage the pipe or cause corrosive action. It shall be placed in layers not exceeding six (6) inches in depth with each layer firmly compacted along the sides and above the pipe. Thereafter, backfilling shall be completed up to grade and properly compacted to prevent settlements. The building sewer may be installed in the same trench with the water service line when a minimum horizontal separation of twelve (12) inches is maintained.

- A All joints and connections shall be made gas tight and watertight. No cement joints will be permitted.
- B Premolded gasket joints for hub and plain end cast-iron soil pipe shall be used and shall be a neoprene compression-type gasket that provides a positive double seal in the assembled joint. The gasket shall be a premolded one piece unit, designed for joining the cast-iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations, using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flaxbase, non-toxic material and shall not chemically attack the gasket material. All hubs shall face upstream.
- C Joints for PVC sewer pipe shall follow the manufacturer's recommendations using properly designed couplings and rubber gaskets pursuant to the published information relating thereto and conforming to the applicable ASTM specification.

49-25 CONNECTION OF BUILDING SEWER TO EXISTING PUBLIC SEWER; COSTS

- A The connection of the building sewer into an existing public sewer shall be made at the sewer main. The cost of such connection shall be borne by the property owner.

49-26 NOTIFICATION OF COMPLETION FOR INSPECTION; VIOLATION

- A. The application for the building sewer permit shall notify the Village when the entire building sewer and the portion of building drain extending from the building sewer to the outer face of the building wall is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or his representative, and the method used shall receive the prior approval of the Village.
- B When trenches are opened for the laying of entire building sewer pipes and portions of building drains extending from the building sewer to the outer face of building walls, such trenches shall be inspected by the Village before the trenches are filled, and the plumber performing such work shall notify the Village when the laying of building sewer and said portion of building drain is completed. The filling of a trench before inspection is made will subject the plumber to whom a permit is issued to a penalty of \$100 for each offense.

49-27 EXCAVATIONS ADEQUATELY GUARDED; RESTORING DISTURBED PROPERTY

All excavations for building sewer installation 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 Village.

49-28 CONNECTIONS THROUGH MANHOLES

When any building sewer is to serve a school, hospital, or similar institutional or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Village, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Village 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 Village. If required, a new manhole shall be installed in the public sewer pursuant to §49-32, and the building sewer connection made thereto as directed by the Village.

ARTICLE V – NEW SEWERS OR SEWER EXTENSIONS

49-29 SEWER EXTENSION DESIGN STANDARDS

New sanitary sewers and extensions to the sanitary sewer system owned and maintained by the Village shall be properly designed in accordance with the Recommended Standards for Sewage Works as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Villages and in strict conformance with all requirements of the New York State Department of Health and the New York State Department of Environmental Conservation. Plans and specifications for new sewers and sewer extensions shall be submitted to, and approval obtained from the Village and New York State Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

49-30 CONSTRUCTION OF SEWER EXTENSIONS BY VILLAGE

Sewer extensions, including individual building sewers to the public street right-of-way, may be constructed by the Village under public contract if, in the opinion of the Village Board, the number of properties to be served by such extension warrants its cost. Under this arrangement, the property owner shall pay for and install the building sewer from the sewer main to his residence or place of business in accordance with the requirements of Article IV. Property owners may propose sewer extensions within the incorporated Village by drafting a written petition and filing it with the Village Board.

The cost of the sewer extensions may be assessed to the benefited property owners in any manner determined by the Village Board.

49-31 INSTALLATION AND CONSTRUCTION BY OWNER; TESTING; COSTS

If the Village does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension if this extension is approved by the Village Board in accordance with the requirements of §49-29. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the required fees paid. Design of sewers shall be as specified in this Article. The installation of the sewer extension must be subject to periodic inspection by the Village or Village, and the expenses for the Village's services for said inspection shall be paid for by the owner, builder, or developer. The Village's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in §49-33 before it is to be used. The cost of the sewer extension thus made shall be absorbed by the developers or the property owners, and thereafter, the

property owners will be subject to all sewer service charges as may be determined by the Village Board of Trustees.

49-32 SEWER DESIGN SPECIFICATIONS

- A Sewer design shall be in accordance with the following provisions:
1. Pipe material shall be either cement lined ductile iron pipe and fittings conforming to AWWA Standard C 151 (ANSI A21.51) and AWWA C111 (ANSI A21.11), respectively; or polyvinyl chloride (PVC) pipe and fittings conforming to either ASTM Specification D3034-85b or ASTM F789-85, and ASTM F477 for the gasket. Minimum stiffness for PVC pipe shall be 46 psi at five percent deflection when tested in accordance with ASTM Designation D2412. No asbestos cement pipe, clay pipe, or concrete pipe shall be used. Minimum internal pipe diameter shall be 8 inches.- Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the snap-on type are employed. Gaskets shall be continuous, solid, natural, or synthetic rubber, and shall provide a positive compression seal in the assembled joint such that the requirements of §49-33 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Y-branch fittings shall be installed for connection to building sewers in accordance with §49-16.
- B Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and construction of Sanitary and Storm Sewers."
- C Manholes shall be installed at all changes in slope or alignment or at intervals not exceeding 300 linear feet. The manholes shall be constructed with a poured 4,000 pounds per square inch (4,000 psi) concrete based 12 inches thick, steel troweled concrete or mortar inverts, and bench walls and precast 4 foot diameter concrete manhole barrel sections and an eccentric tapered top section as specified by ASTM Specification C-478. The manhole frame and cover shall be the standard design of the Village and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. Ladder rungs shall be installed in manholes.

49-33 EXFILTRATION TESTS ON SEWERS

- A All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Village. This test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled

with water for at least 24 hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

- B When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test-length intervals for either type of test shall be as ordered or approved, but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two hours in either type of test.
- C The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be constructed as sections of 48-inch diameter pipe 5 feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours for 48-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.

49-34 SEWER EXTENSIONS CONSTRUCTED BY OWNERS TO BECOME PROPERTY OF VILLAGE; GUARANTY

All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Village, shall become the property of the Village and shall thereafter be maintained by the Village. Said sewer extensions, after their acceptance by the Village, shall be guaranteed for one year against defects in materials and workmanship. The guaranty shall be in a form provided for by the Village. At the sole discretion of the Village, a completion bond or certified check may be demanded as part of the guaranty.

49-35 BUILDING PERMIT; SUITABLE METHOD OF WASTE DISPOSAL REQUIRED

No builder or developer shall be issued a building permit for a dwelling or structure requiring sanitary facilities within the Village unless a suitable and approved method of waste disposal is proposed. All new housing developments, commercial, industrial, and institutional establishments shall be provided with an approved system of sanitary sewers, and when required by the Village Board, shall also be provided with an approved system of storm sewers.

49-36 PRELIMINARY TREATMENT FOR WASTE DISPOSAL TO SEWAGE TREATMENT PLANT VIA PRIVATE SEWER

All property owners whose wastewater does not meet the requirements of this local law must provide preliminary treatment facilities for their wastewater discharges prior to entry into the sewage system.

49-37 SEWER PIPE INSTALLATION

- A 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.
- B The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees that 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 that 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.
- C The public shall be protected from personal and property damage as a result of the construction work.
- D Traffic shall be maintained at all times in accordance with applicable highway permits. Where only Village permits are required, at least 1/2 of a street shall be kept open at all for traffic flow.
- E Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.
- F The trench shall be excavated only wide enough for proper and safe installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, dewatering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut by sawing before trench excavation is initiated.
- G 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.

- H Open trenches shall be protected at all hours of the day with barricades, as required.
- I 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 Village. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.
- J The trench shall be excavated approximately 6 inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.
- K 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 5 feet at the transition from rock bottom to earth bottom, centered on the transition.
- L Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.
- M No structure shall be undercut unless specifically approved by the Village.
- N 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.
- O To protect workers and to prevent caving, shoring and sheeting shall be used as needed. Caving shall not be used to backfill the trench.
- P The pipe barrel shall be supported along its entire length on a minimum of 6 inches of crusher run max. 1/2-inch stone free of organic material. This foundation shall be firmly tamped in the excavation.
- Q Bell holes shall be hand excavated as appropriate.
- R Pipe shall be laid from low elevation to high elevation. The pipe bell shall be upgradient; the pipe spigot shall be downgradient.
- S The joints shall be made and the grade and alignment checked and made correct.
- T The pipe shall be in straight alignment.
- U 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 that may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

- V Crushed stone shall be placed over the laid pipe to a depth of at least 6 inches using Class 1A or IB backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.
- W 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
- X The remaining portion of the trench above the pipe embedment shall be backfilled in one foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95 percent of the maximum moisture-density relationship, as determined by ASTM Specification D698, Method D. Ice, snow, or frozen material shall not be used for backfill.

ARTICLE VI - SEWER USE

49-38 DISCHARGE OF CERTAIN WATERS TO PUBLIC SEWERS PROHIBITED

- A. No stormwater, surface water runoff from surrounding land, footing drains, sump pumps, roof water runoff, groundwater, cooling waters, or unpolluted industrial process waters shall be discharged to the public sewer system from any residential, commercial, industrial or institutional establishment that is constructed after the formal adoption of this ordinance.
- B All existing residential, commercial, industrial, or institutional establishments that now discharge such waters to the public sewer system shall cease and desist from such practice within a period of one year after official notice to do so by the Village Board. The official notice shall identify the particular classification of unpolluted waters as described above, which must be discontinued from the public sewer system.

49-39 DISCHARGE OF STORMWATER AND UNPOLLUTED WATER TO STORM SEWERS, WATERCOURSES

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a water course approved by the Village. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Village, to a storm sewer or natural outlet. Other permits may be required from other agencies, including, but not limited to, the NYS DEC

49-40 ENUMERATION OF PROHIBITED DISCHARGES

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

- A Any liquid or vapor having a temperature higher than 150F (65C) or that would cause the temperature of the treatment plant influent to exceed 104F (40C).
- B Any waters or wastes that contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32F and 150F.
- C Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) ether-soluble matter.

- D 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 sewage treatment plant, or to the operation of the sewage treatment plant. 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 percent nor any single reading be more than 40 percent 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 sewage treatment plant.
- E. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide, or other substance which, either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and
- F Any pollutants which result in the presence or toxic gases, vapors, or fumes within the sewage treatment plant in a quantity that may cause acute worker health and safety problems.
- G Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Village.
- H Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair, and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues paint residues, cannery wastes, bulk solids, or any other solid or viscous substance capable of obstruction to the flow of sewers or other interference with the proper operation of the sewage system
- I Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage system. Free acids and alkalis must be neutralized at all times within a permissible pH range of 6.0 to 9.5.
- J Any cyanides in excess of two parts per million by weight as CN.
- K Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations
- L. Any waters or wastes that have a concentration greater than that of normal sewage as measured by any constituent, except by special permit. Normal sanitary sewage shall

be construed to fall within the following ranges at the effluent of the industry in question:

<u>Constituent</u>	<u>Permissible Max. (parts per million)</u>
Suspended Solids	400
BOD	400

- M. Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain or the contents of any privy vault, septic tank or cesspool or the discharge or effluent from any air conditioning machine or refrigeration unit.
- N No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any toxic effect in the receiving waters or cause the effluent of the Village of Arcade sewer treatment plant to exceed SPDES discharge limits or pretreatment standards. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage at its point of entry to the public sewers, and at no time shall the maximum instantaneous concentration entering the public sewers exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Village in volume and concentration of wastes discharged.

LIMITS OF TOXIC SUBSTANCES IN SEWAGE

<u>Parameter</u>	<u>Effluent Concentration Limit (mg/l)</u>
Cadmium	0.04
Hexavalent chromium	0.1
Total chromium	1.4
Copper	0.4
Lead	1.0
Mercury	0.01
Nickel	0.3
Zinc	0.7
Arsenic	0.2
Available chlorine	15.0
Cyanide, free	0.2
Cyanide, complex	0.8
Selenium	0.1
Sulfide	3.0
Barium	2.0
Manganese	2.0
Gold	0.1
Silver	0.1

Fluorides, to fresh water	2.0
Phenol	2.0
Iron	5.0
Methylene chloride	12.0
Chloroform	1.2
Toluene	2.4

As determined from a composite sample taken from the sewer users daily discharge over a typical operation or production day, except for hexavalent chromium at metal limits are in terms of total metal.

Exceptions to these limits may be considered and allowed within the requirements contained in Article X - Industrial Wastewater Discharge Permits of This Code.

- O Any food-canning wastes except after pretreatment approved by the Village Board or Village and conducted by the owner to remove all bulk solids and particles greater than 1/8-inch size in any dimension.
- P 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.
- Q Unusual flow rate or concentration of wastes that may be considered as a slug, except by Industrial Wastewater Permit.
- R Any wastewater that causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- S Any wastewater with a closed cup flash point of less than 140 F or 600C using the test methods specified in 40 CFR Part 261.2 1.

49-41 GREASE, OIL, AND SAND INTERCEPTORS

- A Grease, oil, and sand interceptors shall be provided when the above set limits for those substances are exceeded, or when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and 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 Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers, which when bolted in place, shall be gas tight and watertight.

49-42 MAINTENANCE OF GREASE, OIL, AND SAND INTERCEPTORS

Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Village at any time.

49-43 ADMISSION OF CERTAIN WATERS OR WASTES INTO SEWER SUBJECT TO APPROVAL; REQUIREMENT OF PRELIMINARY TREATMENT

- A Preliminary treatment is required before the admission into the public sewers of any waters or wastes having:
- 1 A five-day biochemical oxygen demand greater than 400 parts per million, or
 - 2 Containing more than 400 parts per million of suspended solids, or
 - 3 Containing more than 15 parts per million of chlorine requirement, or
 - 4 Containing more than 20 mg/l of total phosphorus, or
 - 5 Containing more than 85 mg/l of total Kjeldahl nitrogen, or
 - 6 Containing any quantity of substances having the characteristics described in §49-40, or
 - 7 Having an average daily flow greater than two percent of the average daily sewer flow of the Village, shall be subject to the review and approval by the Village.
- B. Where necessary in the opinion of the Village, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the concentration of the wastewater constituents to the levels described above.

Plans, specifications, and any other pertinent information relative to proposed preliminary treatment facilities shall be submitted for the approval of the Village, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Village will constitute a violation of this Code.

49-44 MAINTENANCE OF PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, a they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

49-45 MANHOLES REQUIRED IN BUILDING SEWERS CARRYING INDUSTRIAL WASTES

When required by the Village, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

49-46 MEASUREMENTS, TEST, AND ANALYSES STANDARDS

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater upon suitable samples taken at the 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.

49-47 FEDERAL REGULATIONS RELATING TO INDUSTRIAL WASTES

All industrial establishments contributing or intending to contribute industrial wastes to the public sewers shall comply with the following provisions:

- A Users of the Village sewers and wastewater treatment plant shall comply with the General Pretreatment Regulations (40 CFR 403) and any amendments thereto.
- B Disposal into the public sewers of any pollutant by any person is unlawful except in compliance with federal standards promulgated pursuant to the FWPCA.
- C Permission shall be granted to authorized employees of the EPA and the New York State Department of Environmental Conservation (NYSDEC) to enter properties of contributing industries for the purpose of inspection, observation, measurement, sampling, and testing.
- D All industrial establishments, as a prerequisite for authorization for disposal into the public sewer, must provide information to the Village describing wastewater constituents and characteristics and the type of industrial activity involved.

- E Major contributing industries and other contributing industries, as deemed necessary, shall file periodic reports with the Village on the constituents and characteristics of their wastewater. Frequency of reporting and information to be contained in such reports shall be determined by the Village.

49-48 APPLICABILITY OF STANDARDS

All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system, and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association. However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the Village Board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 6-hour period. However, more frequent and longer periods may be required at the discretion of the Village.

49-49 TRUCKED OR HAULED WASTE

- A. Permission. The discharge of trucked or hauled wastes into the Village sewer system and public sewers tributary thereto will not be permitted except for the purpose of Village maintenance activities.
- B Dumping Location and Timing. The Village requires discharging at only the sewage treatment plant at certain times as are convenient of the Village treatment plant operation.
- C Notification of Dumping. Each discharge of trucked or hauled wastes shall be made only with the approval of the Village. The Village 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.

ARTICLE VII – PROTECTION FROM DAMAGE

49-50 DAMAGING OR DESTROYING APPURTENANCES OR EQUIPMENT

- A No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a Part of the Village sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

- B When physical damage to the public sewers or sewage treatment plant results from the action or reaction of constituents or a combination thereof in any industrial waste during its passage through the system, except such constituents as are expressly permitted and which are within the limits established elsewhere in this ordinance, the cost to repair or replace such damaged sewer or treatment plant components shall be borne by the person responsible for discharge of said waste to the system.

49-51 CERTIFICATE OF INSURANCE

A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

49-52 LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION PERIOD

- A All contractors engaged in connecting house laterals with sanitary sewers, who perform any work within the right-of-way of any highway, shall file a bond in the amount of \$5,000 with the Village Clerk to indemnify the Village against loss, cost, damage, or expense sustained or recovered on account of any negligence, omission, or act of the applicant for such a permit, or any of his, or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the Village Board may be revoked at any time for just cause.

- B Before commencing work, the above contractor shall file insurance certificates with the Village clerk for the following:
 - 1 Workman's Compensation and Employees Liability Insurance as required by the Codes of the State covering the contractor;

- 2 Personal Injury Liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);
- 3 Property Damage Liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:
 - a Premises and operations
 - b Independent contractors
 - c Completed operations and products
 - d Property damage
 - e Explosions, collapse, and underground.
- 4 Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

a. Bodily injury	- Each person	\$500,000
	- Each occurrence	\$1,000,000
b. Property damage	- Each occurrence	\$500,000
- 5 Business Excess Liability Insurance in the amount of \$2,000,000.
- 6 All insurance policies must provide for five business days notice to the Village before cancellation and must cover all liabilities of the Village and be in a form approved by the Village Board and be in a satisfactory form approved by the Board.
- 7 The minimum insurance limits stated above shall be subject to periodic review by the Village Board and adjustments made as appropriate.

C. Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk, or curbing, permission must be obtained from the Village if a Village street is involved and/or the New York State Department of Transportation if a State Highway is involved.

49-53 INDEMNIFICATION

A contractor shall indemnify and hold harmless the Village of Arcade and their consultants, agents, and employees from and against all claims, damages, losses, and expenses arising out of or resulting from the contractor's work performance, provided that any such claim, damage, loss, or expense is attributable to bodily injury or death, or to property injury, and is caused by any negligent act or omission of the contractor, subcontractor, or their employees.

ARTICLE VIII – POWER AND AUTHORITY OF INSPECTORS

49-54 PERMISSION TO ENTER UPON PROPERTY

The Village, the Village, representatives of the EPA, NYSDEC, NYSDOH, County Health Department, and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter without delay upon all properties for the purpose of inspection; observation, measurement, sampling and testing, in accordance with the provisions of this Code.

ARTICLE IX – ENFORCEMENT AND PENALTIES

49-55 ENFORCEMENT RESPONSE PLAN

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

The Enforcement Response Plan shall:

- 1 Describe how the Village will investigate instances of noncompliance.
- 2 Describe the types of escalated enforcement actions that the Village will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions.
- 3 Adequately reflects the Village responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- 1 Criteria for scheduling periodic inspection and/or sampling visits to sewage treatment plant Users.
- 2 Forms and guidelines for documenting compliance data in a manner that will enable the information to be used as evidence.
- 3 Systems to track due dates, compliance schedule milestones, and pending enforcement actions.
- 4 Criteria, responsible personnel, and procedures to select and initiate an enforcement action.

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

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the receiving water
- Effect of the violation on the sewage treatment plant
- Effect of the violation on the health and safety of the sewage treatment plant employees
- Compliance history of the User

- Good faith of the User

49-56 NOTIFICATION OF VIOLATORS

Whenever the Village finds that any User has violated or is violating this Code, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Code, the Village may serve upon such person a written notice stating the nature of the violation. Within 2 calendar days of the date the Village mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Village, 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.

49-57 CONSENT ORDERS

The Village 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.

49-58 ADMINISTRATIVE OR COMPLIANCE ORDERS

When the Village finds that a User has violated or continues to violate this Code 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 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 2 calendar days of receipt of such order, petition the Village to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Village by registered mail. The Village shall then:

- 1 Reject any frivolous petitions,
- 2 Modify or suspend the order, or
- 3 Order the petitioner to show cause in accordance with §49-63 and may as part of the show cause notice request the User to supply additional information.

49-59 ADMINISTRATIVE FINES

Notwithstanding any other section of this Code, any User who is found to have violated any provision of this Code, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$ 1,000 per violation. A second violation within 18 months will result in a fine of \$2,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within 3 calendar days of notification of the Village's notice of such fine, petition the Village to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Village by registered mail. The Village shall then:

- 1 Reject any frivolous petitions,
- 2 Modify or suspend the fine, or,
- 3 Order the petitioner to show cause in accordance with §49-63 and may as part of the show cause notice request the User to supply additional information.

CEASE AND DESIST ORDERS

When the Village finds that a User has violated or continues to violate this Code or any permit or administrative order issued hereunder, the Village 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 3 calendar days of the date the Village mails notification of such order, petition the Village to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Village by registered mail. The Village shall then:

- 1 Reject any frivolous petitions.
- 2 Modify or suspend the order.
- 3 Order the petitioner to show cause in accordance with §49-63 and may as part of the show cause notice request the User to supply additional information.

49-61 TERMINATION OF PERMIT

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

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

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

The User may, within 2 calendar days of the date the Village mails such notification, petition the Village to permit continued use of the sewage treatment plant by the user. Such petition shall be in written form and shall be transmitted to the Village by registered mail. The Village shall then:

- 1 Reject any frivolous petitions.
- 2 Order the petitioner to show cause in accordance with §49-63 and may as part of the show cause notice request the User to supply additional information.

49-62 WATER SUPPLY SEVERANCE

Whenever a User has violated or continues to violate the provisions of this Code or an order or permit issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

The User may, within 2 calendar days of severance, petition the Village to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Village by registered mail. The Village shall then:

- 1 Reject any frivolous petitions,
2. Reconnect the water supply, or

- 3 Order the petitioner to show cause in accordance with §49-63 and may as part of the show cause notice request the User to supply additional information.

49-63 SHOW CAUSE HEARING

The Village may order any User appealing administrative remedies for violations of this Code to show cause, before the Village Board, why an enforcement action, initiated by the Village, 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 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 Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with §49-65 of this Article. 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 10 calendar days before the hearing, in accordance with §49-65.

The Village Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Village to conduct the hearing:

- 1 Issue, in the name of the 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 Village Board for action thereon.

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

49-64 FAILURE OF USER TO PETITION THE VILLAGE

In the event the Village 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 Village, 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.

49-65 NOTICE

The notices, orders, petitions, or other notification which the User or Village shall desire or be required to give pursuant to any sections of this Code shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Code shall be mailed to the User where the User's effluent is discharged into transmission lines to the Village's sewage treatment plant. Any notice, petition, or other communication mailed to the Village shall be addressed and mailed to the Village Hall of the Village.

49-66 RIGHT TO CHOOSE MULTIPLE REMEDIES

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

JUDICIAL REMEDIES

49-67 CIVIL ACTIONS FOR PENALTIES

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Code, or any administrative order or determination of the Village promulgated under this Code, or the terms of any permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed \$1,000 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 days continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village attorney, or his designated attorney, at the request of the Village in the name of the Village, in any court of competent jurisdiction giving preference to courts local to the Village. In addition to the above described penalty, the Village may recover all damages incurred by the Village from any persons or Users who violate any provisions of this Article fail to perform any duties imposed by this Code or any administrative order or determination of the Village promulgated under this Code, or the terms of any permit issued hereunder. In addition to the above described damages, the Village may recover all reasonable attorneys fees incurred by the Village in enforcing the provisions of this Article, including reasonable attorneys fees incurred in any action to recover penalties and damages, and the Village 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 Village before the matter has been referred to the Village attorney, and where such matter has been referred to the 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 Village attorney, with the consent of the Village.

49-68 COURT ORDERS

In addition to the power to assess penalties as set forth in this Article, the Village 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 violators 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 Village attorney, at the request of the Village, in the name of the Village, in any court of competent jurisdiction giving precedence to courts local to the Village.

The Village attorney, at the request of the Village 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.

49-69 CRIMINAL PENALTIES

Any person who willfully violates any provision of this Code or any final determination or administrative order of the Village made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each days 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 Code, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year or both.

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

49-70 ADDITIONAL INJUNCTIVE RELIEF

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

49-71 SUMMARY ABATEMENT

Notwithstanding any inconsistent provisions of this Code, whenever the Village finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Village, 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 sewage treatment plant 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 Village may, without prior hearing, order such User [if 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 Village may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Village 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 Village the right of summary abatement to discontinue, abate, or alleviate -conditions or activities shall be those prescribed in the intermunicipal agreement.

The Village, 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 sewage treatment plant or the environment.

49-72 DELINQUENT PAYMENTS

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

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least 60 calendar days as of December 15 of any year, the names of the defaulting persons shall be reported to the Village Mayor, the Village Clerk, the Village Assessor, and the Village Treasurer on or before December 15 of the same year. The Village Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Code, to the real property taxes due and owing to Village in the next succeeding year, and the Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Village are collected.

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

49-73 PERFORMANCE BONDS

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

49-74 LIABILITY INSURANCE

The Village may decline to reissue a permit to any User which has failed to comply with the provisions of this Code 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 sewage treatment plant damage caused by its discharge.

49-75 INFORMANT REWARDS

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

49-76 PUBLIC NOTIFICATION

The Village shall provide public notification, in the daily newspaper with the largest circulation in the Village, of Users that 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.

49-77 not used

ARTICLE X – INDUSTRIAL WASTEWATER DISCHARGE PERMITS

49-78 WASTEWATER DISCHARGE REPORTS

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

49-79 NOTIFICATION TO INDUSTRIAL USERS

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

49-80 INDUSTRIAL WASTE DISCHARGE PERMITS

All Significant Industrial Users proposing to connect to or to contribute to the public sewer system must obtain an industrial wastewater discharge permit before connecting to or discharging to the public sewer system. All existing Significant Industrial Users connected-to or contributing to the public sewer system shall obtain a wastewater discharge permit within 90 days after notification by the Village Board.

49-81 FILING OF PERMIT APPLICATION

Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Village Clerk an application in the form prescribed by the Village- The applicant may be required to submit the following information which shall be prepared by a licensed Village;

- 1 Name, address, location (if different from the address).
- 2 Name and phone number of person to contact concerning industrial waste.
- 3 Average daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.

- 4 Wastewater constituents and characteristics of the sewage, industrial waste, or other wastes discharged to the sewer system.
- 5 Time and duration of discharge.
- 6 Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation.
- 7 Description of activities, facilities, and plant processes on the premises including all materials processed and types of materials that are or could be discharged.
- 8 Each product produced by type, amount, process or processes, and rate of production.
- 9 Type and amount of raw materials processed.
- 10 Number and type of employees and hours of operation, and proposed hours of operation of pretreatment system.
- 11 Water consumption and uses.
- 12 Any other information as may be deemed by the Village to be necessary to evaluate the permit application.
- 13 Completion of DEC Industrial Chemical Survey.
- 14 SIC Code of both the industry and any categorical processes.
- 15 The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional pretreatment is required for the user to meet all applicable Standards.

The Village will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Village may issue an industrial waste discharge permit subject to the conditions and terms provided herein.

49-82 PERMIT CONDITIONS

Industrial Waste Discharge Permits shall be expressly subject to all provisions of this Village Code and all other ordinances, regulations, charges and fees established by the Village. The conditions of the industrial waste discharge permit shall be uniformly enforced by the Village in accordance with this Village Code and applicable State and Federal regulations. The permits may contain the following:

- 1 Average and maximum limitations or other appropriate limitations when toxic substances are present in the user's wastewater discharge.
- 2 Specifications for monitoring programs that may include sample locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedule.
- 3 Requirements for submission of reports for conditions of noncompliance.
- 4 Requirements for submission of technical reports or discharge reports.
- 5 Pretreatment requirements.
- 6 Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.
- 7 Requirements for the installation of inspection and sampling manhole or structure.
- 8 Schedule of compliance allowing reasonable time to conform with the effluent limitations of this Village Code.
- 9 Limits on the average and maximum wastewater constituents, flow rates, and time of discharge.
- 10 Requirements for maintaining plant records relating to wastewater discharge as specified by the Village, and affording Village access thereto.
- 11 The computation and requirement for payment of a sewer use charge.
- 12 Other conditions as deemed appropriate by the Village to insure compliance with this Village Code.

49-83 DURATION OF PERMITS

Industrial Waste Discharge Permits shall be issued for a specified period of time not to exceed three years. A permit may be issued for a period less than one year or may be stated to expire on a specified date. The terms and conditions of the permit may be subject to modification and change by the Village Board during the life of the permit as limitations or requirements as identified by this Local Law are modified or changed.

Wastewater Discharge Permits may be modified by the Village, 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 Local 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 sewage treatment plant,
- 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 sewage treatment plant as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

49-84 TRANSFER OF PERMIT

Industrial Waste Discharge Permits are issued to a specific user for a specific operation. 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. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Village.

49-85 SUSPENSION, MODIFICATION, OR REVOCATION OF PERMITS

Industrial Waste Discharge Permits may be modified, suspended, or revoked where the Village finds:

- 1 A violation of any term of the permit or any order or determination of the Village promulgated under this Village Code;
- 2 That the permit was obtained by misrepresentation, falsifying a self-monitoring report, tampering with monitoring equipment, failure to pay fines or user charges, failure to meet compliance schedules, or failure to disclose fully all relevant facts; or
- 3 A change in conditions or the existence of a condition that requires either a temporary or permanent reduction or elimination of the unauthorized discharge.

49-86 MONITORING FACILITIES

All Significant Industrial Users and other Industrial Users who discharge, who propose to discharge, or who in the judgment of the Village could discharge now or in the future wastewater with characteristics that may cause interference or pass-through shall be required to install and maintain a monitoring facility.

When, in the judgment of the Village there is a significant difference in the wastewater characteristics produced by different operations of a single user, the Village may require that separate monitoring facilities be installed for each discharge.

Monitoring facilities are to be constructed at a common location into which all flows from the user are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the user shall maintain at the user's expense, in lieu of one common monitoring facility, two or more monitoring facilities as required by the Village.

Monitoring facilities that are required to be installed shall be constructed, operated, and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling, and flow measurement of wastewater produced by the user. If sampling and metering equipment is also required by the Village, it shall be provided, installed, operated, and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the Village personnel such as a gate secured with a Village lock. There shall be ample room in or near such facility to allow accurate sampling and composition of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user. In the event that no special monitoring facility is required, sampling shall be conducted at a point or points selected by the Village.

49-87 INSPECTION AND SAMPLING

The Village and other authorized employees of the Village and employees of the EPA and DEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain compliance with this Village Code. The Village shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. Where a user has security measures in force that would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the Village will be permitted to enter without delay for the purposes of performing their specific responsibilities.

49-88 PRETREATMENT

Where necessary, in the opinion of the Village, users shall make wastewater acceptable under the limitations established by this Village Code and by Section 307 of the Federal Act before discharging into the public sewer. Any facilities required to pretreat wastewater to a level acceptable to the Village shall be provided and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Village for review and shall be approved by the Village before construction of the facility. The review and approval 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 complying with the provisions of this Village Code. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Village. When pretreatment regulations are adopted by EPA or DEC for any industry, then that industry must immediately conform to the EPA or DEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 92-217. Additionally, such industries shall comply with any other more stringent standards necessitated by local conditions as determined by the Village.

49-89 ACCIDENTAL DISCHARGE; SPCC PLAN

- A. Each user shall provide protection from accidental or slug discharges of prohibited materials or other wastes regulated by this Village Code. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review and shall be approved by the Village before construction of the facility.
- B. Users shall notify the Village immediately upon discharging wastes in violation of this Village Code due to: 1) breakdown of pretreatment equipment; 2) accidents caused by human error or negligence or mechanical failure; 3) other causes, such as acts of nature, to enable countermeasures to be taken by the Village to minimize damage to the public sewers, treatment facilities, treatment processes, and receiving waters.

The Village shall be notified within five days of the date of occurrence by a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment facility, or treatment process, or for any fines imposed on the Village on accounts thereof under Section 309 of the Federal Act.

When required by the Village, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Village for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- 1 Description of discharge practices, including non-routine batch discharges;
- 2 Description of stored chemicals;
- 3 Procedures for immediately notifying the sewage treatment plant 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;
- 4 Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site 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.

49-90 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be considered public information, useable by the governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Village at the time the information is submitted that the release of such information would divulge information, process, 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 upon written request to governmental agencies for uses related to this law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination System (SPDES), or any State Agency in judicial review of enforcement proceedings involving the person furnishing the report. Information accepted by the Village as confidential shall not be transmitted to any governmental agency or the general public by the Village until and unless a 10 day notification is given to the user. Wastewater characteristics will not be recognized as confidential information. All requests for information shall be made through the Village.

49-91 SPECIAL AGREEMENTS

No statement in this Village Code shall be construed as preventing any special agreement between the Village and any industrial concern whereby an industrial waste of unusual constituents or characteristics may be accepted by the Village for treatment subject to the proper payment by the industrial user.

In entering into such a special agreement, the Village shall consider whether the wastewater will:

- 1 Pass-through or cause treatment interference.
- 2 Endanger the public municipal employees.
- 3 Cause violation of the SPDES Permit.
- 4 Prevent the equitable compensation to the Village for wastewater conveyance and treatment, and sludge management and disposal.

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

49-92 NOTICE TO EMPLOYEES

In order that employees of the users be informed of requirements, users shall make available to their employees copies of the Village Code together with such other wastewater information and notices which may be furnished by the Village from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Village Code.

49-93 ANALYTICAL PROCEDURES

All collection, storage, measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Village Code shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater and the Methods for Chemical Analysis of Water and Waste and the latest version of 40 CFR Part 136, Analysis of Pollutants.

49-94 AUTHORIZED REPRESENTATIVE

Any written correspondence between an industrial user and the Village must be signed by an authorized representative of the industrial user. This includes, but is not limited to, permit applications, discharge reports, and permits.

49-95 VIOLATIONS

- A No user discharging, or proposing to discharge wastewater into the public sewers shall violate any of the provisions of, or fail to perform any duty imposed by this Village Code; or any order or determination of the Village promulgated thereunder, or the terms and conditions of any permit issued by the Village.
- B No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is under the jurisdiction, ownership, or control of the Village Board.
- C No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under this Village Code.
- D No person shall knowingly make any false statement in any application, report, or other document required to be filed with the Village pursuant to any provision of this Code.
- E No person shall tamper with any wastewater sample.

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