

CHAPTER 190

SEWER USE

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Article I Short Title and Purpose

§ 190-1. Short Title

- A. For brevity and ease of communication, this Chapter of the Code of the Village of Lyndonville may be cited as the Village of Lyndonville Sewer Use Local Law.

§ 190-2. Purpose and Policy

- A. This Chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) of the Village of Lyndonville, and interconnected sewer districts, and enables the Village to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code (USC) Section 1251 et seq.), and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations (CFR) Part 403), as amended.
- B. The objectives of this Chapter are:
 - (1) To enable the POTW to comply with its POTW discharge permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject;
 - (2) To prevent the introduction of pollutants into the POTW that will: interfere with its operation; pass through the POTW, inadequately treated, into receiving waters; increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals; cause, directly or indirectly, pollution of the air or groundwater; create, directly or indirectly, any public nuisance condition;
 - (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - (4) To prevent new sources, and as much as possible, eliminate existing sources of infiltration and inflow;
 - (5) To ensure that new sewers and connections are properly constructed.
- C. This Chapter shall apply to all Users of the POTW. The Chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting.

§ 190-3. Administration

- A. Except as otherwise provided herein, the Superintendent of Public Works of the Village of Lyndonville shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized Village employee.

Article II Definitions

§ 190-4. Defined Terms

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

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

Act (“The Act”). The Federal Water Pollution Control Act, also known as the “Clean Water Act”, as amended, 33 U.S.C. 1251, et seq., as amended.

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

American Society for Testing and Materials (ASTM). The latest edition of any ASTM specification, when stipulated in this Chapter.

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

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

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

Approved Laboratory Procedure. The procedures defined as “Standard Methods” in this Article, or other procedures approved by the Superintendent, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

Authorized Representative of the Industrial User. An authorized representative of the Industrial User may be:

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated

facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Village.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 190-58, including treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (e.g. management plans) of complying with, or in place of, certain established categorical Pretreatment Standards and effluent limits.

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

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

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

Bypass. The intentional diversion of waste streams from any portion of a User's treatment facility.

Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Categorical Pretreatment Standard (Categorical Standard). Any regulation containing pollutant discharge limits promulgated by US EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317), as amended, that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471, as amended.

Chief Operator, Wastewater Treatment Plant. A certified individual who is employed and/or appointed by the Village and who is designated by the appointing officials as the person in responsible supervision of the complete and actual operation of any wastewater treatment plant. It is not intended to include the Superintendent or municipal or other officials unless their duties include the actual operation of a wastewater treatment plant. The Chief Operator must have a valid NYSDEC Wastewater Treatment Plant Operator Certificate of the appropriate Grade for the POTW in order to make decisions pertaining to the operation of the wastewater treatment plant and collection system.

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

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

Code Enforcement Officer. The Village official as further defined in Village Code.

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

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

Connection. Attachment of one User to a sewer. (See Extension)

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

Control Authority. The term shall refer to “Approval Authority”, or to the Superintendent when the Village has an approved pretreatment program.

Control Point. A manhole or other suitable structure accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the control point represent the discharge to the POTW.

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

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

County. County of Orleans in which the Village of Lyndonville is located.

Combined Sewer Overflow (CSO). A structure or facility designed to discharge wastewater from a combined sewer to the adjacent environment (typically a watercourse or other body of water) during periods of high flow in the sewer, where transport of the flow would otherwise exceed the capacity of the sewer system or contribute to overloading of the POTW treatment plant. Also refers to a discharge event from such structure or facility.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Developer. A person who undertakes land development activities.

Development, Land. Any man-made change to improved or unimproved real estate, as defined in Village Code.

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

Domestic Wastes. See Sewage, Domestic.

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

End of Pipe. For the purpose of determining compliance with limitations prescribed by 0 of this Chapter, end of pipe shall mean the control point, provided the samples collected from the control point are representative of the discharge to the POTW.

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

End of Process Concentration. See National Categorical Pretreatment Standard.

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

Existing Source. Any source of discharge that is not a New Source.

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

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

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

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

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

Grab Sample. A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater without regard to flow and over a period of time not to exceed fifteen minutes.

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

Indirect Discharge. The introduction of wastewater into a POTW from any non-domestic source for treatment and ultimate discharge of the treated effluent to the state's Waters. (For reference, see Direct Discharge).

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

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

Industrial User. See User, Industrial.

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

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

Inflow. Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) therefore is a cause of a violation of any requirement of the POTW discharge permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):
 - (a) Section 405 of the Clean Water Act, as amended,
 - (b) Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act. RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D or the SWDA), as amended,
 - (c) Clean Air Act, as amended,
 - (d) Toxic Substance Control Act, as amended,

- (e) Marine Protection Research and Sanctuaries Act, as amended,
- (f) 40 CFR 503 Standards for Use and Disposal of Sewer Sludge, as amended, and
- (g) NYCRR, Part 360 and Parts 700-705, as amended.

Lateral, Building, or Building Sewer or House Connection. The sewer extension from the building drain to the Street Lateral.

Lateral, Street. The sewer extension from the public sewer to the property line.

Local Limit. Specific discharge limits developed and enforced by the Village upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), as amended.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monitoring Station. See Control Point.

Monthly Average. The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Monthly Average Limit. The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

National Categorical Pretreatment Standard (Categorical Standard). Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), as amended, which applies to a specific category of Industrial Users. These standards apply at the end of the categorical process (“end of process”).

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

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

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

New Owner. That individual or entity who purchased property within the Service Area of the POTW after the effective date of this Chapter.

New Source. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, as amended, which will be applicable to such source if such standard is thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a New Source as defined hereunder has commenced if the owner or operator has:

- (1) Begun, or caused to begin, as part of a continuous onsite construction program
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

New User. A discharger to the POTW who commences discharge after the effective date of this Chapter.

New York State Department of Environmental Conservation (NYSDEC or DEC). The agency of the New York State government charged with the administration and enforcement of state environmental laws, rules and regulations, and federal environmental laws, rules and regulations where the approval authority has been delegated by the USEPA. Also may be used as a designation for the Commissioner or other duly authorized official of this Department.

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal Sewage. See Sewage, Normal.

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

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

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

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

Pass Through. The discharge which exits the POTW into waters of the state in quantities, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW discharge permit (including an increase in the magnitude or duration of a violation).

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

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

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

Phosphorus, total. See Total Phosphorus.

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

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

Pretreatment. Wastewater treatment, as defined in this Section, prior to, or in lieu of, discharge into the POTW.

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

Pretreatment Standard (National Pretreatment Standard). Any Categorical Standard or Prohibitive Discharge Standard.

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

Privy. A lavatory that does not discharge wastewater to a public sewer.

Privy Vault or Cesspool. A receptacle constructed for the purpose of collecting domestic wastewater without a connection to a public sewer.

Prohibitive Discharge Standard. See National Prohibitive Discharge Standard.

Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than 1/2 inch in any dimension. Discharge from solid waste grinders at or serving commercial establishments, institutions or industries does not fall under this definition and is subject to the restrictions as set forth in § 190-68.

POTW Discharge Permit. The permit authorizing discharges from the POTW, pursuant to applicable state or federal regulations (see NPDES Permit and SPDES Permit).

POTW Treatment Plant. That portion of the POTW designed to provide wastewater treatment as defined in this Section, and to treat sludge and residuals derived from such treatment.

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

instance, by the Village of Lyndonville for the purpose of serving the Village and those interconnected sewer districts. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement Section 201 of the Act, as amended, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment. This definition also includes any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

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

Recommended Standards for Wastewater Facilities (“Ten States Standards”). Standards contained in the latest edition of “Recommended Standards for Wastewater Facilities”, published by the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. Use of the Ten States Standards is subject to acceptance by the Approval Authority.

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

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

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

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

Service Area of the POTW. The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Village Board.

Service Unit. Any self-contained occupancy, building or portion of a building constituting an activity which generates sewage or process waste requiring transporting and treatment at the sewage treatment plant.

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

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

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

- (1) BOD (Five Day): 300 milligrams per liter, or less.
- (2) Suspended Solids: 300 milligrams per liter, or less.
- (3) Phosphorus: 8 milligrams per liter, or less
- (4) Ammonia: 30 milligrams per liter, or less.
- (5) Total Kjeldahl Nitrogen: 50 milligrams per liter, or less.
- (6) Chlorine Demand: 15 milligrams per liter, or less.
- (7) Chemical Oxygen Demand: 350 milligrams per liter, or less.
- (8) Oil and Grease: 100 milligrams per liter, or less.

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

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

Sewage Treatment Plant (Water Pollution Control Plant). See POTW Treatment Plant.

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

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

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

Sewer, Low Pressure. A sewer, as part of a low pressure sewer system, that conveys sewage primarily under induced pressure instead of primarily under the influence of gravity. The pressure may be provided by pumping equipment located on a User's property, either incorporating a grinding element to reduce the size of solids in the wastewater if discharged directly, or without such grinding element if discharge is from a septic tank.

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

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

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

Sewer District. A district created by a village in New York State for the purpose of conveying, treating and disposing of sewage, in accordance with Article 14 of New York Village Law, as amended.

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

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

Significant Industrial User. See User, Significant Industrial.

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

- Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six month period, which equal or exceed the product

of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);

- Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under Article 11 of this Law;
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- Failure to report accurately any non-compliance;
- Any other violation which the Superintendent determines will adversely affect the implementation or operation of the local pretreatment program.

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

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 190-58 of this Chapter. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause interference or pass through or in any other way violate the POTW's regulations, Local Limits or POTW discharge permit conditions.

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

Standard Methods. Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", jointly published by the American Public Health Association, American Water Works Association and Water

Environment Federation, procedures established by the Administrator, pursuant to Section 304 (G) of the Act, as amended, and contained in 40 CFR, Part 136, as amended. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Superintendent, whichever is the most conservative.

State. State of New York.

State Pollution Discharge Elimination System (SPDES) Permit. A permit issued pursuant to Article 17 of the Environmental Conservation Law of the State of New York.

State's Waters. See Waters of the State.

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

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

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

Superintendent of Public Works of the Village of Lyndonville (Superintendent). The individual designated by the Village of Lyndonville to supervise POTW operations, and administer, implement, and enforce the provisions of this Chapter, among other duties, who is qualified to perform the duties and responsibilities as assigned to him/her in this Chapter.

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

Ten States Standards. See "Recommended Standards for Wastewater Facilities".

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

Total Phosphorus. The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following

the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

Village of Lyndonville. The Village of Lyndonville, in the County of Orleans, State of New York.

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

Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

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

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

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

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

User, Significant Industrial (SIU). An Industrial User of the POTW who is:

(1) An Industrial User subject to Categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- (c) Is designated as such by the Village on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement;
- (d) Is designated as such by the Village on the basis that it has a reasonable potential to impact plant operations and is discharging sewage of unusual strength or character in excess of applicable limits set forth in this Chapter.

Upon a finding by the Superintendent that a User meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Village may, in accordance with 40 CFR 403.8(f)(6), as amended, determine that such User should not be considered a Significant Industrial User.

Vacant Parcel. One (1) parcel of undeveloped land meeting the Village's zoning requirements as a building lot and as listed on the assessment rolls of the Village as a separate parcel.

Village. The Village of Lyndonville, in the County of Orleans, State of New York.

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

Wastewater, Unusual Strength or Character. See Sewage, Unusual Strength or Character.

Wastewater Discharge Permit. A permit as set forth in Article XI of this Chapter.

Wastewater Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the environment. The reduction or alteration may be achieved by physical, chemical, or biological process, process changes, or by other means as allowed under state or federal law.

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

Waters of the State (State's Waters). All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground,

natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

§ 190-5. Abbreviations

A. The following abbreviations shall have the designated meanings:

ANSI - American National Standards Institute
ASTM - American Society for Testing and Materials
AWWA - American Water Works Association
BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
CPLR - Code of Public Law and Rules
COD - Chemical Oxygen Demand
EPA - Environmental Protection Agency
l - Liter
LEL - Lower Explosive Limit
L.L. - Local Law
mg - Milligram
mg/l - Milligrams per liter
NCPI - National Clay Pipe Institute
NPDES - National Pollutant Discharge Elimination System
NYCRR - New York Codes, Rules and Regulations
NYSDEC - New York State Department of Environmental Conservation
NYSDOH - New York State Department of Health
NYSDOT - New York State Department of Transportation
O&M - Operation and Maintenance
P - Total Phosphorus
PSI - Pounds per Square Inch
PSIG - Pounds per Square Inch (Gauge)
POTW - Publicly Owned Treatment Works
PPM - Parts per Million, weight basis
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SPDES - State Pollutant Discharge Elimination System
SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq., as amended
U.S.C. - United States Code of Laws
USEPA - United States Environmental Protection Agency
TSS - Total Suspended Solids

§ 190-6. Undefined Terms

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

Article III Use of Public Sewers Required

§ 190-7. Waste Disposal Unlawful

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Village or in any area under the jurisdiction of the said municipality, any human or animal excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

§ 190-8. Connecting Private Sewerage System to Storm Sewer Unlawful

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

§ 190-9. Discharge of Sewage into Well Prohibited

- A. No person shall discharge sewage into a well.

§ 190-10. Wastewater Discharge Unlawful

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

§ 190-11. Construction Permit Allowed Only When Approved Wastewater Disposal Available

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

§ 190-12. Private Wastewater Disposal Unlawful

- A. 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.

§ 190-13. Connection to Public Sewer Required

- A. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, which are situated within the Village, and are served by a failing or inadequately designed or constructed septic system is hereby required, at the owner's expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Chapter, within 90 days after official notice to connect to the public sewer.
- B. The owners of any newly constructed or developed houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, which are

situated within the Village is hereby required, at the owner's expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Chapter, within 90 days after official notice to connect to the public sewer or prior to the issuance of a certificate of occupancy.

§ 190-14. Limitation on Use of Public Sewers

- A. The use of public sewers shall be strictly limited and restricted, except as provided in § 190-13, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the Service Area of the POTW.

§ 190-15. Moratorium

- A. The Village Board shall have the authority to impose a moratorium to limit or deny new connections to the POTW if the Superintendent determines that either:
 - (1) One or more segments of the POTW is exceeding its hydraulic capacity at any time; and/or
 - (2) Any specific purpose of this Chapter is being violated.
- B. The moratorium may be lifted if the conditions above are corrected. Such correction may be by any of the following or any combination of the following:
 - (1) Construction of new facilities;
 - (2) Enlarging existing facilities;
 - (3) Correction of inflow and infiltration;
 - (4) Cleaning and repairing of existing facilities;
 - (5) Cessation of any violation of this Chapter that abates the condition leading to the moratorium.

§ 190-16. Basis of Sewer Use Requirement

- A. All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Village Board, the Village Superintendent of Public Works, NYSDEC, NYSDOH, USEPA, and/or other such state or federal agencies, which have enforcement powers.

Article IV Private Wastewater Disposal

Connection to the public sewer is required on all properties situated within the Village, or in any area under the jurisdiction of the said municipality.

Article V New Sewers, Sewer Extensions or Sewer Replacements

§ 190-17. Proper Design

- A. New sanitary sewers and all extensions to sanitary sewers owned and operated by the Village shall be designed, by a professional licensed to practice engineering in New York State, in accordance with Ten States Standards, and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Superintendent, the NYSDEC, and any other regulatory agencies with jurisdiction before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area. If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other Users by the Village Board.

§ 190-18. New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

- A. When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Superintendent in accordance with § 190-17. Said property owner, builder, or developer shall obtain all necessary permits from the Village, including highway, water, and sewer departments and/or any other agency who may have control over any work prior to the start of construction, and pay for the entire installation, including intercepting or trunk sewers, pumping stations, force mains, and all other Village expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to Article I of this Chapter, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in this Article as applicable. The installation of the sewer shall be subject to periodic inspection by the Superintendent or authorized representative, without prior notice. The Superintendent shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in § 190-22, before any building lateral is connected thereto. The Superintendent shall be notified 30 days in advance of the start of any construction actions, and a pre-construction meeting held, so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Village Board until such construction inspections have been made so as to assure the Village Board of compliance with this Chapter and any amendments or additions thereto. The Superintendent has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Superintendent shall report all findings of inspections and tests to the Village Board. Any defective work shall be made good and any

unsuitable materials that may have been previously overlooked by the Superintendent shall be removed and replaced at the expense of the property owner, builder, or developer. If the work or any part thereof shall be found defective at any time before the final acceptance of the project, the defect shall be made good in a manner satisfactory to the Superintendent at the expense of the property owner, builder, or developer.

§ 190-19. Plans, Specification, and Pipe Test Results Required

- A. Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in this Chapter, such as pumping stations, lift stations, or force mains shall be designed in accordance with this Article, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in § 190-23 and § 190-24. When requested, the applicant shall submit, to the Superintendent and to the County Public Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

§ 190-20. Sewer Pipe Installation

- A. Design and installation of new, and replacement of existing, gravity and pressure sewers shall be approved by the Superintendent.
- B. Gravity sewer pipe shall meet the requirements of ASTM D-3034 for sewer pipe and fittings. Minimum wall thickness shall be SDR-35. The joints shall be bell and spigot conforming to ASTM D-3212 with elastomeric gasket conforming to ASTM F477. All pipe and fittings shall be made from PVC components as defined and described in ASTM D-1784.
- C. 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.
- D. The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles and posts. Any tree which will not hinder construction shall not be removed and shall be protected from damage by any construction equipment. Debris shall not be burned but hauled for disposal in an approved manner.
- E. The public shall be protected from personal and property damage as a result of the construction work.
- F. Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.
- G. 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.
- H. The trench shall be excavated only wide enough for proper 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 or by other methods as approved by the Superintendent, before trench excavation is initiated.
 - I. 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 roads, crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks. Any proposed bores must be shown on design plans with design details approved by the Village.
 - J. Open trenches shall be protected at all hours of the day with barricades, as required.
 - K. 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 Superintendent. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.
 - L. The trench shall be excavated approximately six inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2 1/2 feet below the final pipe invert grade and replaced with select materials.
 - M. Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five feet, at the transition from rock bottom to earth bottom, centered on the transition.
 - N. Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.
 - O. No structure shall be undercut unless specifically approved by the Superintendent.
 - P. 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.
 - Q. To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown nor no higher than one foot below final grade and left in the trench during backfill operations. It is the sole responsibility of the Contractor to make sure that all work is conducted in strict accordance with the Federal Safety Standards of OSHA.
 - R. The pipe barrel shall be supported, along its entire length, on a minimum of six inches of crusher-run maximum 1/2 inch stone free of organic material. This foundation shall be firmly tamped in the excavation.
 - S. Bell holes shall be hand excavated, as appropriate.
 - T. Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.
 - U. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

- V. The grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. These alternative procedures, including bending the pipe barrel, deflecting the joint, and using special fittings, shall require prior written approval of the plans and also written confirmation approval of need by the Superintendent after examination of the site conditions.
- W. When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.
- X. Crushed stone shall be placed over the laid pipe to a depth of at least six inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D 2321 using Class 1A or 1B 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.
- Y. 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.
- Z. The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95% of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or frozen material shall not be used for backfill.
- AA. Detectable warning tape shall be used on all sewer mains and sewer laterals.

§ 190-21. Manholes and Manhole Installation

- A. Design of new, and replacement of existing, manholes shall be in accordance with this Article and submitted to the Superintendent for approval prior to placement.
- B. Maximum manhole spacing shall be 400 L.F.
- C. Precast reinforced concrete sections shall be manufactured in accordance with ASTM Specification C-478. Riser sections shall have tongue and groove ends and super "O" joints and gaskets conforming to ASTM C-443. Manhole bases may be pre-formed or poured in the field. Roof slabs shall be precast structural concrete, reinforced for H-20 loading and 30 percent impact loading. A 24-inch diameter hole shall be eccentrically located in the roof slab. In place of preformed openings in base sections, flexible manhole sleeves (rubber boots/A lok) cast directly into the base walls may be used with compatible pipe material.
- D. All manholes shall be sealed inside and outside completely with two coats of heavy-duty water repellent protective coating which complies with ASTM specification D-450, Type B. Interior and exterior surfaces shall be sealed by the supplier and touched up or recoated by the installer with like material. The manhole supplier and installer must submit written certification that the sealant was applied per manufacturer instructions.
- E. Manholes constructed of other materials shall be considered for approval following review of said manhole construction. Such a submittal must be submitted by a NYS-licensed professional engineer, along with adequate design data and shop drawings.

- F. Manhole ladders or steps shall be provided in all sanitary manholes and be constructed of either non-corrodible, aluminum magnesium alloy ladders, with intermediate supports at 5-foot intervals; forged aluminum with drop front design and grooved tread surface; nylon/co-polymer polypropylene with steel reinforcement manhole steps. No cast iron steps shall be used.
 - (1) Steps shall be cast into the walls of riser sections and shall be aligned in each section to form a continuous ladder with rungs equally spaced vertically in the assembled manhole at a distance of 12 inches apart. The first step shall be a maximum of 32 inches from the manhole cover.
- G. Sanitary manhole frames and covers shall be water tight. "Sanitary" shall be stamped or casted in to all sanitary sewer manhole covers with letters not less than 2" high. The inside diameter for clearance shall not be less than 24 inches.
- H. All manholes shall be installed on a level, minimum 6" thick crushed stone base.
- I. All openings and joints in manhole sections shall be completely filled once the sections are set, with approved caulk and enhanced with Xypex Admix, sealed with 2 coats of approved bitumastic coal tar sealer.

§ 190-22. Infiltration/Exfiltration Testing

- A. All new sanitary sewers or extensions to sanitary sewers, or replacement of existing sanitary sewers, including manholes, shall satisfy requirements of a final infiltration/exfiltration test including, but not limited to, water testing or low pressure air testing before they will be approved and wastewater flow permitted by the Village.
- B. All testing logs and locations of sanitary laterals (if any) shall be provided to the Village. Additionally, all sewers shall be flushed by the Contractor to remove all silt, sand, and gravel and other debris prior to testing. If any sections of pipe cannot be flushed clean, mechanical methods shall be used to dislodge any deposits in the pipe.
- C. Any section of gravity sewer which does not give satisfactory test results must be replaced and retested until a satisfactory test is completed.
- D. Deflection testing.
 - (1) Prior to testing, all plastic pipe in the test section shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95% of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than 5% shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device. The deflection test shall be conducted after the final backfill has been in place for at least 30 days to permit stabilization of the soil-pipe system.
- E. Infiltration/exfiltration testing.
 - (1) The infiltration rate shall not exceed 15 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant under the supervision of the Superintendent, who shall have the responsibility for making proper and accurate measurements required. The Contractor shall furnish all labor and testing equipment including hoses, pumps, plugs, temporary connections, gauges, etc. necessary to perform the required tests. Water for cleaning and testing shall be

furnished by the Contractor through a temporary metered connection. All plans for temporary metered connections are subject to approval by the Village Board and/or the Superintendent.

- (2) The exfiltration test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed 10 feet or fill to within six inches of the top of the downstream manhole. Should this condition prevail, the testing methods in Subsection F, Low-pressure air testing, shall be utilized. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.
- (3) Test section. The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section.
- (4) For manholes, each manhole shall be filled with a maximum of 10 feet of water, subjected to a 24 hour test and show a loss of water not to exceed 15 gallons/24 hours for a 4-foot inner diameter manhole. Infiltration tests shall adhere to the same limits.

F. Low-pressure air testing

- (1) In lieu of hydrostatic testing (exfiltration or infiltration), low-pressure air testing may be employed. Low-pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed and shall have been backfilled prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately four psig. The air-pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 psig to 2.5 psig.
- (2) Acceptance is based on limits tabulated in the "Specification Time Required for a One PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe."
- (3) Before pressure is applied to the line, all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.
- (4) If the test section is below groundwater, the test pressure shall be increased by an amount sufficient to compensate for groundwater hydrostatic pressure; however, the test pressure shall not exceed 10 psi or a lower pressure as required by the Superintendent.

- (5) The pressure test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Superintendent prior to testing.

§ 190-23. Force Mains

- A. New force mains, or extensions to force mains, or replacement of existing force mains, serving sewage lifting devices, such as grinder pumps and pump stations, shall be approved by the Superintendent.
- B. Pipe for sewage forcemain shall be as follows:
 - (a) Polyvinyl chloride (PVC) pipe meeting the requirements of ASTM D-2241. Pipe and fittings shall be 160 psi, minimum SDR-21. Bell and spigot joints are required with elastomeric gaskets conforming to ASTM D-3139. Metallic tracer tape shall be placed over the center of all mains on top of the minimum safety cover.
 - (b) Ductile iron pipe (DIP) shall conform to AWWA C-151. Minimum allowable thickness shall be Class 51. Rubber gasket push on joints shall be used in accordance with AWWA C-111. All DIP shall be cement-mortar lined in accordance with AWWA C-104.
 - (c) High density polyethylene pipe (HDPE) shall be a minimum of DR 17, PPI designation PE 3408, conforming to AWWA C906. All joints shall be fuse welded mechanical joints with compression couplings and stainless steel inserts. No glued joints allowed underground. Metallic tracer tape shall be placed over the center of all mains on top of the minimum safety cover.
- C. Trenching, bedding, and backfilling shall be in accordance with § 190-20.
- D. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.
- E. Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7 1/2° or greater.
- F. Drain valves shall be placed at low points.
- G. Automatic air relief valves shall be placed at high points and at four-hundred-foot intervals, on level force main runs.
- H. Air relief and drain valves shall be suitably protected from freezing.
- I. When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line is prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.
- J. The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T." The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least four feet long; the lower arm shall terminate in a PVC plastic sewer pipe ninety-degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion-resistant anchors.

§ 190-24. Force Main Testing

- A. Sanitary sewer forcemains shall be tested at 100 psig minimum or 2.5 times the maximum system operating pressure (whichever is greater) for a duration of one hour. Allowable leakage shall be 0.030 gallons/hour/100' of pipe for 4" nominal pipe diameter, or 0.045 gallons/hour/100' of pipe for 6" nominal pipe diameter.
- B. Pressure testing shall be made only after completion of backfilling operations and at least 36 hours after concrete thrust blocks have been cast.
- C. Pressure shall be applied by means of a pump connected to the pipe in a manner satisfactory to the Village.
- D. During filling of the pipe and before applying pressure all air must be expelled from the line.

§ 190-25. Final Acceptance and Warranty/Surety

- A. All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Superintendent, and concurrence by the Village Board, shall become the property of the Village following dedication, and shall thereafter be operated and maintained by the Village. No sanitary sewer shall be accepted by the Village until one hard copy and one electronic copy of as-built drawings have been so filed with the Superintendent and the Superintendent has approved the submitted drawings. Said sewers, after their acceptance by the Village, shall be guaranteed against defects in materials or workmanship for two years, by the applicant. The guarantee shall be in such form, be of value, and contain such provisions as deemed necessary by the Village Board, secured by a surety bond or such other security as the Village Board may approve.
- B. The following information shall be provided as described:
 - (1) Locations and elevations of all manholes, invert and top elevations, slopes, size and lengths of sanitary sewers.
 - (2) Locations and elevations of all sanitary sewer lateral and main connections at wyes, sanitary sewer clean-outs
 - (3) Liber/page number of any easements or right-of-way and including floodplain numbers.
 - (4) Any other significant details affecting the operation or maintenance of the POTW.
- C. Electronic format of as-built drawings shall be compatible with the Village's electronic mapping and imagery management.

§ 190-26. Surety During Construction Period

- A. All persons engaged in constructing sanitary sewers or extensions to sanitary sewers and associated street laterals within the Right of Way of any highway within the Village or on or across any Village-owned property, shall provide surety to 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. The value and approval of the surety shall be approved by the Village.

Article VI Building Laterals, Street Laterals Connections, and Fees

§ 190-27. Permit Required for Sewer Connections

- A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 190-28. Inflow/Infiltration Prohibited

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

§ 190-29. Sewer Lateral Permits

- A. There shall be two classes of sewer lateral permits:
 - (1) For residential, commercial, and institutional service;
 - (2) For service to establishments producing industrial wastes.
- B. In either case, a permit application shall be submitted to the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Superintendent. A fee, for residential, commercial, institutional and Industrial Users, in accordance with the fee schedule as established by the Village Board, shall accompany the application.
- C. Connections to existing manholes shall be made as directed by the Superintendent.

§ 190-30. New Building Laterals

- A. A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building, subject to the provisions of § 190-31.
- B. New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Superintendent has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be:
 - (1) Exposed and totally encapsulated in not less than three inches of concrete, or
 - (2) Exposed and walled and the building rooms above positively ventilated outdoors.
- C. All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Superintendent. No new manholes shall be constructed on the portion of the lateral under the building.
- D. All new laterals shall have detectable warning tape installed.

§ 190-31. Laterals Serving Several Buildings

- A. When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment and proper easements or agreements shall be in place between owners of buildings served by a single lateral.

§ 190-32. Laterals Serving Complexes

- A. Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer pursuant to § 190-105 and the lateral connection made and tested as directed by the Superintendent. Plans and specifications shall be prepared and submitted for approval pursuant to this Chapter.

§ 190-33. Dry Sewers

- A. Dry Sewers shall be designed and installed in accordance with this Chapter.

§ 190-34. Using Existing Building Laterals

- A. A new building lateral must be constructed to a new public sewer. No existing laterals may be reused. Existing sanitary sewers from industrial or commercial buildings must be cleaned and tested per NYSDEC standards and replaced if the test or condition proves unsatisfactory, as ordered by the Superintendent. A television inspection may be ordered by the Superintendent, at the owner's expense, if he determines it necessary to verify the actual conditions of the sewer, regardless of the results of pressure testing.

§ 190-35. Lateral Pipe Materials

- A. Building and street lateral pipe materials shall be one of the following:
 - (1) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034, SDR-35 Polyvinyl (PVC) Sewer Pipe and Fittings.
 - (2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-2241, SDR-21.
 - (3) Cast-iron sewer pipe, extra heavy class, ASTM Specification A74 (max. lengths of 5').
- B. Cleanout riser piping shall be one of the following:
 - (1) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-2241, SDR-21.
 - (2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-2665, Schedule 40.
- C. All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring, except for cleanout riser piping. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum pipe stiffness (F/Y) at five-percent deflection shall be 46 psi when tested in accordance with ASTM Specification D-2412.
- D. Any part of the building or street lateral that is located within five feet of a water main or water service shall be constructed of cast-iron soil pipe or PVC pipe with an SDR as specified by the Superintendent. Cast-iron soil pipe or PVC pipe with an SDR as specified by the Superintendent may be required by the Superintendent where the

- building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast-iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Superintendent. The distance between consecutive joints, as measured along the center line of the installed pipe, shall not be less than 10 feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Superintendent.
- E. The size and slope of building and street laterals shall be subject to approval by the Superintendent, but in no event shall the internal pipe diameter be less than four inches, nor shall the pipe slope be less than 1/4 inch per foot (2%).
 - F. The street lateral shall include a cleanout with flow-through diameter equal to that of the lateral.

§ 190-36. Street Lateral to Public Sewer Connection

- A. At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth (forty-five-degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.
- B. The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.
- C. Wye fittings must meet the minimum strength classifications to the sewer pipe it will connect to and shall be compatible with the pipe type.
- D. All wye connections shall be approved by the Superintendent.

§ 190-37. Future Connection Locations; As-Built Drawings

- A. The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted a standard plug approved for use by the Superintendent. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a two-inch by six-inch corrosion- and rot-resistant board. The marker board shall extend from the depth of the lateral to a minimum of two feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three tie lines indicated. Four copies of this drawing, showing the as-built location of these connections, shall be furnished to the Superintendent. A refundable deposit shall be placed with Village to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be \$100 per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the Village until four copies of this record drawing have been so filed with the Superintendent and the Superintendent has approved the submitted drawings. Electronic format of as-built drawings shall be compatible with the Village's electronic mapping and imagery management software.

§ 190-38. Special Manhole Requirements

- A. When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Superintendent 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 Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to local requirements, and the lateral connection made thereto as directed by the Superintendent.

§ 190-39. Laterals At and Near Buildings

- A. Building laterals laid parallel to a bearing wall shall not be installed closer than 3 feet to such wall. In new construction, the building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor. In no event shall any building lateral be placed below the basement floor, except with the express written approval of the Superintendent.
 - (1) In the event of lateral replacement, the new building lateral may enter the basement at such an elevation as to maintain gravity service to the existing internal plumbing, unless as otherwise required or directed by the Superintendent.
- B. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

§ 190-40. Sewage Lifting

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

§ 190-41. Lateral Pipe Installation

- A. All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Superintendent. Pipelaying and backfilling, regardless of pipe material used, shall be performed in general accordance with ASTM D2321, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 12 inches and except that no backfill shall be placed until the work has been inspected.
- B. Building lateral pipe should be laid in compacted, minimum six-inch bed of ¼ to ½ inch crushed stone, covered six (6) inches above the top.

- C. The depth of cover over the pipe shall be sufficient to afford protection from frost, but not in any case shall such depth be less than four feet. Where it is physically impossible to provide cover of four feet, the depth may be reduced to a minimum of two feet and the pipe shall be insulated, as approved by the Superintendent.

§ 190-42. Watertight and Gastight Joints

- A. All joints and connections shall be made watertight and gastight.
- B. Materials for joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty degrees (160 deg. F.) and not be soluble in any of the wastes carried by the system.
- C. Cast-iron pipe joints shall be rubber gasket joints.
- D. PVC pipe joints shall be elastomeric gasket joints.
- E. Cement joints shall not be used to join sanitary sewer pipe. Only premium joint construction and materials will be allowed.

§ 190-43. Push Joints

- A. 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.

§ 190-44. Building Lateral/Street Lateral Connection

- A. The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under § 190-18, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line by the Village, or designated representative, at the owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line.
- B. The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense in accordance with the fee schedule as established by the Village Board; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.
- C. The property owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.
- D. It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.
- E. The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Superintendent. After installation of the street lateral has been approved by the Superintendent, the new street lateral shall become the property of the Village. Any subsequent repairs to the new street laterals shall be made by the Village at the Village's expense.

§ 190-45. Cleanout Repair/Replacement

- A. If, in the judgment of the Superintendent, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Village may install

a clean-out at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

§ 190-46. Street Lateral Replacement; Ownership

- A. Any existing street lateral which, upon examination by the Superintendent, is determined to be in need of replacement will be replaced with a new street lateral with a property line cleanout. The replacement street lateral shall be constructed by the Village, or designated representative, at the property owner's expense. Once the replacement street lateral and cleanout have been constructed and approved by the Superintendent, the new street lateral shall become the property of the Village. Any repairs to new street laterals shall be made by the Village at the Village's expense.
 - (1) As a result of the replacement or consolidation of existing street lateral(s), the abandoned piping shall be removed, isolated and/or disconnected in a manner acceptable to the Superintendent, at the property owner's expense.

§ 190-47. Testing

- A. The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by:
 - (1) Any full pipe method described in § 190-22 or
 - (2) By a suitable joint method, with the prior written approval of the Superintendent.

§ 190-48. Connection Inspection

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

§ 190-49. Trench Inspections

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

§ 190-50. Public Safety Provisions Required; Restoration of Disturbed Areas

- A. All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Superintendent. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Village shall complete road and shoulder restoration to the standards applicable to the public road affected. The cost for such final road and shoulder restoration by the Village shall be included with the fees paid with the application for the permit required in § 190-29.

§ 190-51. Interior Clean-Out and Vent

- A. An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral.
- B. The cleanout diameter shall be no less than the building lateral diameter.
- C. A suitable vent shall be provided on the building lateral.

§ 190-52. Costs Borne by Owner

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

Article VII Inflow

§ 190-53. New Inflow Sources Prohibited

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

§ 190-54. Existing Inflow Sources Disconnected

- A. Connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Superintendent.

§ 190-55. Existing Inflow Sources Disconnected When Property Sold

- A. The Superintendent may inspect any newly sold property for the purpose of determining all connections which contribute inflow have been disconnected.

§ 190-56. No Reconnection of Inflow Source Allowed

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

Article VIII Trucked Or Hauled Waste

Trucked or Hauled Waste is not allowed at this WWTP.

Article IX General Sewer Use Requirements

§ 190-57. Pretreatment Standards

- A. All Users of the POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 405 to 471, as amended.

§ 190-58. Prohibited Discharge Standards

A. General Prohibitions.

- (1) No User shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards, or any other federal, state, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions.

- (1) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (a) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR Part 261.21, as amended;
 - (b) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel;
 - (c) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, flushable wipes, diapers, latex and other sanitary products, animal guts or tissues, paunch manure, bones, hair, hides or fleshing's, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes;
 - (d) Any wastewater containing toxic pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard;
 - (e) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the

- POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C;
- (f) Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through;
 - (g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (h) Trucked or hauled pollutants;
 - (i) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair;
 - (j) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, ink wastes, dye wastes, and vegetable tanning solutions;
 - (k) Any wastewater containing any radioactive wastes except as approved by the Superintendent, and in compliance with applicable state and federal regulations;
 - (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
 - (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (n) Medical wastes, including pharmaceuticals and bio-hazardous products, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
 - (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
 - (p) Detergents, surface active agents, ink wastes, or other substances which that might cause excessive foaming in the POTW, except as specifically authorized by the Superintendent;
 - (q) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly

allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Village, the State, or the USEPA has determined to be a fire hazard, or hazard to the POTW;

- (r) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes;
- (s) Any wastewater which will cause interference or pass through;
- (t) A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act, as amended;
- (u) Unusual flow rate or concentration of wastes, constituting slugs, except by individual wastewater discharge permit;
- (v) Any hazardous waste or substance as defined in 40 CFR Part 261 and/or 6 NYCRR Part 597, as amended;
- (w) Any waste as defined in 40 CFR Part 261, as amended.
- (x) Any waste containing PFAS (Per- and Polyfluoroalkyl Substances), except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
- (y) Any waste which would interfere with the ability of an ultraviolet disinfection system to comply with SPDES permit limits.

§ 190-59. National Categorical Pretreatment Standards

- A. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471, as amended.
- B. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with this Section.
- C. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- D. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e), as amended.
- E. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- F. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- G. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the

Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.]

§ 190-60. Local Limits

- A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c), as amended.
- B. Local Limits may be established to protect against pass through and interference as deemed necessary by the Village or the Approval Authority.
- C. The above limits apply at the point where the wastewater is discharged to the POTW. The Superintendent may impose mass limitations in addition to the concentration based limitations herein.
- D. The Superintendent reserves the right to require a maximum allowable headworks loading study, paid for entirely by an industrial applicant, to establish mass discharge based limitations before issuance of a wastewater discharge permit.

§ 190-61. Concentration Based Limitations

A. No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in § 190-62. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW (“end of pipe” concentrations).

Effluent Concentration Limits

Parameter	Concentration Limits (mg/L)
Aluminum	1.000
Antimony	0.021
Arsenic	0.005
Barium	0.157
Beryllium	0.002
Cadmium	0.001
Chlorides	234
Chlorine (available)	0.050
Chromium (hexavalent)	0.110
Chromium (total)	0.009
Cobalt	0.050
Copper	0.086
Cyanide	0.052
Iron	1.731
Lead	0.013
Manganese	0.080
Mercury	0.006
Molybdenum	0.024
Nickel	0.034
Phenols, total ("Phenolics")	0.050
Selenium	0.005
Silver	0.008
Sulfates	61.8
Sulfides	0.020
Vanadium	1.400
Zinc	0.163

- (1) Except for chromium (hexavalent), all concentrations listed for metallic substances shall be as “total metal”, which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration. Dischargers of Mercury may be subject to a permit limit and best management practices (BMP’s) associated with mercury reduction prior to discharge to the POTW.

- (2) As determined on a grab or composite sample taken from the User's daily discharge.

B. Other substances which may be limited are:

- (1) alkanes, alkenes and alkynes
- (2) aliphatic and aromatic alcohols and acids
- (3) aliphatic and aromatic aldehydes and ketones
- (4) aliphatic and aromatic esters
- (5) aliphatic and aromatic halogenated compounds
- (6) aliphatic and aromatic nitro, cyano and amino compounds
- (7) antibiotics
- (8) benzene derivatives
- (9) chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds
- (10) pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides
- (11) phthalates
- (12) polyaromatic and polynuclear hydrocarbons
- (13) total toxic organics, (TTO), as defined in 40 CFR 433.11, as amended
- (14) toxic organic compounds regulated by federal Pretreatment Standards
- (15) unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group
- (16) viable pathogenic organisms from industrial processes or hospital procedures

§ 190-62. Mass Discharge Based Limitations

- A. At no time shall the influent to the POTW contain excess quantities of the substances listed under § 190-61.
- B. The Superintendent shall determine the total allowable influent load of each substance from Significant Industrial Users. In determining the total load of each substance that Significant Industrial Users shall be allowed to discharge, the Superintendent shall consider:
 - (1) The quantities of each substance that are uncontrollable because they occur naturally in wastewater,
 - (2) The quantities of each substance that are anthropogenic but are nonetheless uncontrollable,
 - (3) Historical discharge trends,
 - (4) Past pollution control efforts of each Significant Industrial User as compared to other significant industrial dischargers of the same substance,
 - (5) Potential for growth in the POTW service area,
 - (6) Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method, and
 - (7) Treatability of the substance. The superintendent shall apply a minimum 15 per cent safety factor to be protective of the POTW.

- (8) To assure that the total loads so calculated, for each substance, are not violated, the Superintendent shall issue permits to Significant Industrial Users limiting discharge loads.
- (9) Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under § 190-59.
- C. The Superintendent reserves the right to require a maximum allowable headworks loading study, paid for entirely by an industrial applicant, to establish mass discharge based limitations before issuance of a wastewater discharge permit.

§ 190-63. Village's Right of Revision

- A. The Village reserves the right to establish, by revision to this Chapter or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Chapter.

§ 190-64. Modification of Limitations

- A. Limitations on wastewater strength or mass discharge contained in this Chapter may be supplemented with more stringent limitations when, in the opinion of the Superintendent:
 - (1) The limitations in this Chapter are not sufficient to protect the POTW,
 - (2) The limitations in this Chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,
 - (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the Village desires, as a result of discharge of wastewaters at the above prescribed concentration limitations,
 - (4) Municipal employees or the public will be endangered, or
 - (5) Air pollution and/or groundwater pollution will be caused.
- B. The limitations on wastewater strength or mass discharge shall be recalculated as deemed necessary by the Superintendent. The results of these calculations shall be reported to the Village Board. If any recalculated limitations should require changes in limitations included in previously issued individual wastewater discharge permits, such permits shall be revised and amended, as appropriate.

§ 190-65. Access to User's Records

- A. The Superintendent shall have the authority to copy any record related to wastewater discharges to the POTW.

§ 190-66. Dilution

- A. No User shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.
- B. Dilution flow shall be considered to be inflow.

Article X Pretreatment of Wastewater

§ 190-67. Pretreatment Facilities

- A. Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in § 190-58 within the time limitations specified by USEPA, the State, or the Village, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Village under the provisions of this Chapter.

§ 190-68. Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Chapter.
- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease and oil interceptors shall be provided at any restaurant facility, car wash facility, convenience stores, any store with food preparation services and auto service facility. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, flammable substances, sand or other harmful substances; except that such interceptors shall not be required for residential Users. All interception units shall be of a type and capacity approved by the Superintendent, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected and cleaned by the User at their expense, on an annual basis or more often as deemed necessary by the Superintendent. Grease, oil, and sand interceptors shall be repaired as required for proper operation. Proof of cleaning, inspection and/or maintenance shall be provided in writing to the Superintendent. Failure to provide proof to the Superintendent shall be considered a violation of this Chapter.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§ 190-69. Accidental Discharges; SPCC Plan

- A. Each User shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Chapter or of an individual wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this Chapter or any permit. Such discharges may result from:
 - (1) Breakdown of pretreatment equipment;
 - (2) Accidents caused by mechanical failure, or negligence;
 - (3) Other causes.
- B. Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The User shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within 5 days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- C. When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent, 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 POTW of any accidental or slug discharge;
 - (4) Procedures for immediately notifying the POTW of any discharge that would violate any provision of the permit and any national prohibitive discharge standard;
 - (5) Procedures to prevent adverse impact from any accidental or slug discharge, including, but 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.

§ 190-70. Posting Notices

- A. In order that the Industrial User's employees be informed of the Village's requirements, a copy of the individual wastewater discharge permit for that facility shall be permanently posted on appropriate bulletin boards within the User's facility advising employees of the Village's requirements.

§ 190-71. Rejection of Wastewater

- A. The Village Board may reject a User's discharge of wastewater to the POTW, upon recommendation of the Superintendent, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious

effect upon the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See § 190-2.

Article XI Individual Wastewater Discharge Permits

§ 190-72. Wastewater Discharge Reports

- A. As a means of determining compliance with this Chapter, with applicable POTW discharge permit conditions, and with applicable state and federal law, each Industrial User shall be required to notify the Superintendent of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Superintendent. The Superintendent may require any User discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Superintendent deems necessary. Unless otherwise required in this Chapter, all information shall be furnished by the User in complete cooperation with the Superintendent within 30 days of the request.

§ 190-73. Notification to Industrial Users

- A. The Superintendent 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 Act, as amended, and Subtitles C and D of RCRA, as amended.

§ 190-74. Individual Wastewater Discharge Permit Requirement

- A. No Significant Industrial User shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the Superintendent. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Chapter.
- B. The Superintendent may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Chapter.
- C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Article I through Article I of this Chapter. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law.

§ 190-75. Individual Wastewater Discharge Permitting: Existing Connections

- A. Any User required to obtain an individual wastewater discharge permit in accordance with § 190-74 who was discharging wastewater into the POTW prior to the effective date of this Chapter and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Superintendent for an individual wastewater discharge permit in accordance with § 190-78, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this Chapter except in accordance with an individual wastewater discharge permit issued by the Superintendent.

§ 190-76. Individual Wastewater Discharge Permitting: New Connections

- A. Any User required to obtain an individual wastewater discharge permit in accordance with § 190-74 who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 190-78, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

§ 190-77. Discharge Permits to Storm Sewers Not Authorized

- A. The Village shall not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

§ 190-78. Individual Wastewater Discharge Permit Application Contents

- A. Any User required to obtain a Wastewater Discharge Permit shall submit information, including but not limited to, the items listed within § 190-78 to the Superintendent for review. The Superintendent reserves the right to require additional information deemed necessary to review any Wastewater Discharge Permit application. The application shall be accompanied by a fee, in accordance with the fee schedule as established by the Village Board. In support of any application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Identifying Information
 - (a) Name, address, and location (if different from the address), including the name of the operator and owner
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises
 - (c) SIC code of both the industry and any categorical processes.
- (2) Environmental Permits – a list of any environmental control permits held by or for the facility
- (3) Description of Operations
 - (a) Wastewater constituents and characteristics including but not limited to those mentioned in Article X of this Chapter and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH (sampling and analysis shall be performed in accordance with Standard Methods). Sampling shall be paid for by the applicant.
 - (b) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any
 - (c) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances
 - (d) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW
 - (e) Each product produced by type, amount, process or processes, and rate of production.
 - (f) Type and amount of raw materials processed (average and maximum per day).

- (g) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (4) Time and duration of the discharge.
- (5) The location for monitoring all wastes covered by the permit
- (6) Flow Measurement – information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in § 190-59 (in accordance with 40 CFR 403.6(e)).
- (7) Measurement of Pollutants
 - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
 - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 190-99. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.
 - (e) Sampling must be performed in accordance with procedures set out in § 190-100.
- (8) Any other information as may be deemed necessary by the Superintendent to evaluate the permit application
- (9) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet all applicable Standards
- (10) If additional pretreatment and/or O&M will be required to meet the Standards, then the Industrial User shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

- (b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.
 - (c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- (11) Any other information as may deemed by the Superintendent to be necessary to evaluate the permit application.
- B. The Superintendent will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a Wastewater Discharge Permit subject to terms and conditions provided herein. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

§ 190-79. Application Signatories and Certifications

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in § 190-103.
- B. If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

§ 190-80. Individual Wastewater Discharge Permit Decisions

- A. The Superintendent will evaluate the data furnished by the User and may require additional information. Upon receipt of a complete permit application, and any additional information, the Superintendent will determine whether to issue an individual wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit for good cause.

Article XII Individual Wastewater Discharge Permit Issuance

§ 190-81. Individual Wastewater Discharge Permit Duration

- A. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed three (3) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than three (3) years, at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire. Reissuance of an individual wastewater discharge permit shall be in accordance with § 190-86.

§ 190-82. Individual Wastewater Discharge Permit Contents

- A. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- B. Individual wastewater discharge permits must contain:
- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Village in accordance with § 190-84, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including Best Management Practices, based upon applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based upon federal, state, and local law;
 - (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule, except that such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
 - (6) Requirements to control slug discharge, if determined by the Superintendent to be necessary;
 - (7) A statement signed by the permittee granting the Superintendent, or designated representative, access to the monitoring station immediately and without prior notice as authorized under this Chapter.
- C. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits upon the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the permit;
- (8) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
- (9) Compliance schedules;
- (10) Requirements for submission of technical reports or discharge reports;
- (11) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Village, and affording the Superintendent access thereto;
- (12) Requirements for notification of the Village of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (13) Requirements for the notification of the Village of any change in the manufacturing and/or pretreatment process used by the permittee;
- (14) Requirements for notification of excessive, accidental, or slug discharges; and
- (15) Other conditions as deemed appropriate by the Village to ensure compliance with this Chapter, and state and federal laws, rules and regulations.

§ 190-83. Individual Wastewater Discharge Permit Modification

A. The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Village's POTW, Village personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13, as amended;
 - (8) To correct typographical or other errors in the individual wastewater discharge permit;
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 190-84;
 - (10) Changes in general or specific discharge prohibitions and limitations as per § 190-58 and § 190-59, and local limits as per § 190-60; or
 - (11) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.
- B. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 190-84. Individual Wastewater Discharge Permit Transfer

- A. Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- B. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

§ 190-85. Individual Wastewater Discharge Permit Revocation

- A. The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the Superintendent of changed conditions;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports and certification statements;
 - (5) Tampering with monitoring equipment;
 - (6) Refusing to allow the Superintendent timely access to the facility premises and records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines;
 - (9) Failure to pay sewer charges;
 - (10) Failure to meet compliance schedules;
 - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;

- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (13) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Chapter.
- B. Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

§ 190-86. Individual Wastewater Discharge Permit Reissuance

- A. A User with an individual wastewater discharge permit which is set to expire shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 190-78, a minimum of 90 days prior to the expiration of the User’s existing wastewater discharge permit.
- B. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time for compliance, as established in Sections § 190-82 and § 190-83.

§ 190-87. Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, and the Village has no authority pursuant to state or federal law to regulate such contribution of wastewater in accordance with this Chapter, the Village shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement with a contributing municipality, the Village shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Village may deem necessary.
- C. An intermunicipal agreement with a contributing municipality shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use local law which is at least as stringent as this Chapter and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in § 190-60. The requirement shall specify that such local law and limits must be revised as necessary to reflect changes made to the Village Sewer Use Local Law or Local Limits;
 - (2) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

- (3) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (4) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (5) Requirements for monitoring the contributing municipality's discharge;
- (6) A provision ensuring the Superintendent access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
- (7) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Article XIII Reporting Requirements

§ 190-88. Reporting Requirements for Permittee

- A. The reports or documents required to be submitted or maintained under this Article shall be subject to:
- (1) The provisions of 18 USC Section 1001, as amended, relating to fraud and false statements;
 - (2) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
 - (3) The provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.

§ 190-89. Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), as amended, whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Superintendent a report which contains the information listed below. A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
- (1) All information required in § 190-78 A.(1)(a), A.(2), A.(3)(a) and A.(6).
 - (2) Measurement of pollutants.
 - (a) The User shall provide the information required in § 190-78 A.(7)(a) through A.(7)(d).
 - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e), as amended, to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), as amended this adjusted limit along with supporting data shall be submitted to the Control Authority.
 - (d) Sampling and analysis shall be performed in accordance with § 190-99.

- (e) The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (3) Compliance Certification.
 - (a) A statement, reviewed by the User's Authorized Representative as defined in § 190-4 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule.
 - (a) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in § 190-90.
- (5) All baseline monitoring reports must be signed and certified in accordance with § 190-79.

§ 190-90. Compliance Schedule Progress Reports

- A. The following conditions shall apply to the compliance schedule required by § 190-88 B.(4) of this Chapter.
 - (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
 - (2) No increment referred to above shall exceed nine (9) months.
 - (3) The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.
 - (4) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
 - (5) All compliance reports must be signed and certified in accordance with § 190-79.

§ 190-91. Reports on Compliance with Categorical Pretreatment Standard Deadline

- A. Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in § 190-82 A(6) and (7) and § 190-89(B)(2).
- (1) For Users subject to equivalent mass or concentration limits established in accordance with the procedures in § 190-59, this report shall contain a reasonable measure of the User's long term production rate.
 - (2) For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.
 - (3) All compliance reports must be signed and certified in accordance with § 190-79.
 - (4) All sampling will be performed in conformance with § 190-100.

§ 190-92. Periodic Compliance Reports

- A. All Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June 1st and December 1st) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

§ 190-93. Reports of Changed Conditions

- A. Each User must notify the Superintendent of any changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.
- (1) The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 190-78.
 - (2) The Superintendent may issue an individual wastewater discharge permit under § 190-74 of this Chapter or modify an existing wastewater discharge permit under § 190-83 of this Chapter in response to changed conditions or anticipated changed conditions.

§ 190-94. Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the User

shall immediately notify the Superintendent upon discovery of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

- B. Within 5 days following discovery of such discharge, the User shall, unless waived in writing by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

§ 190-95. Reports from Unpermitted Users

- A. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

§ 190-96. Notice of Violation/Repeat Sampling and Reporting

- A. If sampling performed by a User indicates a violation, the User must notify the Superintendent within 24 hours of becoming aware of the violation.
- B. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 10 days after becoming aware of the violation.

§ 190-97. Notification of the Discharge of Hazardous Waste

- A. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, as amended. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, as amended, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

§ 190-98. Other Reports

- A. The Superintendent may impose reporting requirements equivalent to the reporting requirements in this Article for Users not subject to Pretreatment Standards and Requirements.

§ 190-99. Analytical Requirements

- A. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.
- B. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, as amended, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.
- C. The User shall pay for all costs associated with sampling.

§ 190-100. Sample Collection

- A. Samples collected to satisfy reporting requirements must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, based upon data that is representative of conditions occurring during the reporting period.
- B. Except as otherwise indicated in this Section, or as otherwise determined by the Superintendent, the User must collect wastewater samples using 24 hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the Superintendent. Where time proportional composite sampling or grab sampling is authorized by the Village, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136, as amended, and appropriate EPA guidance, multiple grab samples collected during a 24 hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field if permitted by the Village; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Village, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- D. For sampling required in support of baseline monitoring and 90 day compliance reports required in § 190-88 and § 190-91, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required in § 190-92, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

§ 190-101. Date of Receipt of Reports

- A. Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

§ 190-102. Recordkeeping

- A. Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under § 190-60 C.
- B. Records shall include the following information.
 - (1) Date, exact place, method, and time of sampling, and the name of the person(s) taking the samples.
 - (2) The dates that analyses were performed.
 - (3) Who performed the analyses.
 - (4) The analytical techniques or methods used.
 - (5) The results of such analyses.
- C. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or Village, or where the User has been specifically notified of a longer retention period by the Superintendent.

§ 190-103. Certification Statements

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver
 - (1) The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with § 190-78, Users submitting baseline monitoring reports in accordance with § 190-89, Users submitting reports on compliance with the categorical Pretreatment Standard deadlines in accordance with § 190-91, Users submitting periodic compliance reports in accordance with § 190-92, and Users submitting an initial request to forego sampling of a pollutant on the basis of § 190-92 C. The following certification statement must be signed by an Authorized Representative as defined in § 190-4:

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

Article XIV Compliance Monitoring

§ 190-104. Flow Equalization

- A. No person shall cause the discharge of slugs to the POTW. If deemed necessary by the Superintendent in order to maintain the capacity of the POTW, each person discharging, into the POTW, greater than 100,000 gallons per day or greater than 5 per cent of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period. The facility shall have a capacity for at least 50 per cent of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A Wastewater Discharge Permit may be issued solely for flow equalization.

§ 190-105. Monitoring Stations (Control Points)

- A. All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused or may cause interference or pass through shall maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- B. If no suitable existing monitoring station is available, the Superintendent shall require the Significant Industrial User to install a control point as specified herein at the Significant Industrial User's expense.
- C. If there is more than one street lateral serving an Industrial User, the Superintendent may require the installation of a control point on each lateral.
- D. The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow access to the station by the Superintendent, or his designated representative.

§ 190-106. Proper Design and Maintenance of Facilities and Monitoring Stations

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

§ 190-107. Vandalism, Tampering with Measuring Devices

- A. Except as authorized by the Superintendent, no person shall, whether intentionally, recklessly, or negligently, break, damage, destroy, uncover, deface, tamper with,

prevent access, or render inaccurate, or cause or permit the breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- (1) Any structure, appurtenance, or equipment which is a part of the POTW, or
- (2) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Chapter.

§ 190-108. Right of Entry: Inspection and Sampling

- A. The Superintendent or his designated representative shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Chapter and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent or his designated representative ready access to all parts of the premises for the purposes of inspection, sampling, smoke testing, records examination and copying, and the performance of any duties and responsibilities as assigned to him in this Chapter. The Superintendent or his designated representative may enter the premises of the User at any time upon:
 - (1) The request of the owner of the property or an authorized agent of such owner, or the User or an authorized agent of such User; or
 - (2) Receipt by the Superintendent of a written statement alleging that conditions or activities exist that prevent the User from complying with the requirements of this Chapter and any individual wastewater discharge permit or order issued hereunder; or
 - (3) Receipt by the Superintendent of any other information reasonably believed by the Superintendent to be reliable, giving rise to reasonable cause to believe that conditions or activities exist that prevent the User from complying with the requirements of this Chapter and any individual wastewater discharge permit or order issued hereunder; or
 - (4) Any circumstance in which an order or warrant shall have been obtained from a court of competent jurisdiction that permits such right to enter by the Superintendent or his designated representative.
- B. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- C. The Superintendent shall have the right to set up on the User's property, or require installation of, such temporary devices as are necessary to conduct sampling and/or metering of the User's operations.
- D. The Superintendent may require the User to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy as recommended by the manufacturer.
- E. Any temporary or permanent obstruction to safe and easy access for the purpose of inspection and sampling shall be promptly removed by the User at the written or

verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

- F. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this Chapter.

§ 190-109. Search Warrants

- A. If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Village designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from a court of competent jurisdiction.

§ 190-110. Access to Property and Records

- A. The Superintendent and his designated representatives, other authorized representatives of the Village, representatives of USEPA, NYSDEC, NYSDOH, and/or the County Public Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a User's compliance with applicable provisions of federal, state, and county law governing use of the POTW, and with the provisions of this Chapter.
- B. Inspections of residential properties shall be performed upon consent or upon issuance of a search warrant.
- C. The Superintendent and his designated representatives, and other authorized representatives of the Village, shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard animals shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. The Superintendent and such authorized representatives shall, additionally have access to and may copy any records the User is required to maintain under this Chapter. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements so that upon presentation of suitable identification, the Superintendent and such authorized representatives will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

§ 190-111. Liability of Property Owner

- A. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in § 190-108, the Superintendent and his designated representatives, and other authorized representatives of the Village, shall observe all applicable safety rules established by the owner or occupant of the premises.

§ 190-112. Special Agreements

- A. Nothing in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and any User of the POTW whereby wastewater of

unusual strength or character is accepted into the POTW and specially treated, subject to any payments or User charges, as may be applicable. In entering into such a special agreement, the Village Board shall consider whether the wastewater will:

- (1) Pass through or cause interference;
 - (2) Endanger the public municipal employees;
 - (3) Cause violation of the POTW Discharge Permit;
 - (4) Interfere with any Purpose stated in § 125-2;
 - (5) Prevent the equitable compensation to the Village for wastewater conveyance and treatment, and sludge management and disposal.
- B. No discharge which violates the federal Pretreatment Standards will be allowed under the terms of such special agreements.
- C. No agreement shall be entered into without the User having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the User shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Village before the agreement is entered into. The Village Board may condition the agreement.

Article XV Administrative Enforcement Remedies

§ 190-113. Enforcement Response Plan

- A. The Superintendent shall prepare an Enforcement Response Plan. The Enforcement Response Plan shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- B. The Enforcement Response Plan shall:
 - (1) Describe how the Superintendent will investigate instances of noncompliance;
 - (2) Describe how the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow-up these actions; and
 - (3) Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.
- C. The Enforcement Response Plan shall contain:
 - (1) Criteria for scheduling periodic inspection and/or sampling visits to POTW Users;
 - (2) Form and Guidelines for documenting compliance data in a manner which will enable the information to be used as evidence;
 - (3) Systems to track due dates, compliance schedule milestones, and pending enforcement actions; and
 - (4) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.
- D. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
 - (1) Magnitude of the violation;
 - (2) Duration of the violation;
 - (3) Effect of the violation on the receiving water;
 - (4) Effect of the violation on the POTW;
 - (5) Effect of the violation on the health and safety of the POTW employees;
 - (6) Compliance history of the User;
 - (7) Good faith of the User; and
 - (8) Shall promote consistent and timely use of enforcement remedies.
- E. The Village Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five (5) years.

§ 190-114. Notification of Violation

- A. Whenever the Superintendent finds that any User has violated, or continues to violate, any provision of this Chapter, or an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent may serve upon such person a written Notice of Violation. Within 10 calendar days of the date that the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted by the User to the Superintendent. Submission of such a plan in no way

relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

- B. Nothing in this Section shall limit the authority of the Superintendent to take any action or actions, including emergency actions or any other enforcement action, before issuing a Notice of Violation.

§ 190-115. Consent Orders

- A. The Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as a Compliance Order issued pursuant to § 190-117 and a Cease and Desist Order issued pursuant to § 190-118, and shall be judicially enforceable.
- B. Issuance of a Consent Order shall not be a bar against, or a prerequisite for, taking any other action or actions against the User.

§ 190-116. Show Cause Hearing

- A. The Superintendent may order the User to appear before the Village Board and show cause why an enforcement action, proposed and/or initiated by the Superintendent, should not be taken. 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 proposed enforcement action, the reasons for such action, and a request that the User 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 § 190-123. Such notice may be served on any Authorized Representative of the User as defined in § 190-4.
- B. The Village Board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the Village to conduct the hearing, and take the following actions.
 - (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.
- C. After the Village Board has reviewed the evidence and testimony, it may order the User to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.
- D. A show cause hearing shall not be a bar against, or prerequisite for, the Superintendent taking any other action against the User.

§ 190-117. Compliance Orders

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent may issue a Compliance Order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation.
- B. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action or actions against the User.
- C. The User may, within 15 calendar days of the mailing date of such Compliance Order, petition the Superintendent to modify or suspend the Compliance Order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent may then:
 - (1) Reject any frivolous petitions;
 - (2) Modify or suspend the Compliance Order;
 - (3) Order a User to provide additional information to the Superintendent; or
 - (4) Order the petitioner to show cause in accordance with § 190-116.

§ 190-118. Cease and Desist Orders

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any Pretreatment Standard or requirement, the Superintendent may issue a Cease and Desist Order to cease and desist all such violations and direct those persons in noncompliance to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a Cease and Desist Order shall not be a bar against, or prerequisite for, taking any other action or actions against the User.
- C. The User may, within 15 calendar days of the mailing date of such Cease and Desist Order, petition the Superintendent to modify or suspend the Cease and Desist Order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent may then:
 - (1) Reject any frivolous petitions;
 - (2) Modify or suspend the Cease and Desist Order;
 - (3) Order a User to provide additional information to the Superintendent; or
 - (4) Order the petitioner to show cause in accordance with § 190-116.

§ 190-119. Administrative Fines

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance. Such fines and penalties, if not paid, shall be a lien on the User's property benefitted. All such unpaid fines and penalties shall be added to the next general tax against property.
- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action or actions against the User.
- D. The User may, within 15 calendar days of the mailing date of notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent may then:
 - (1) Reject any frivolous petitions;
 - (2) Modify or suspend the fine;
 - (3) Order a User to provide additional information to the Superintendent; or
 - (4) Order the petitioner to show cause in accordance with § 190-116.

§ 190-120. Emergency Suspensions

- A. The Superintendent may immediately suspend a User's discharge, after written notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the safety or health of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
- B. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 190-121 of this Chapter are initiated against the User.
- C. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause hearing under § 190-116 of this Chapter.
- D. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

§ 190-121. Termination of Discharge

- A. In addition to the provisions in § 190-85 of this Chapter, any User who violates the following conditions is subject to discharge termination.
 - (1) Violation of individual wastewater discharge 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 volume, constituents, and characteristics prior to discharge.
 - (4) Refusal of reasonable access to the User’s premises for the purpose of inspection, monitoring, or sampling.
 - (5) Violation of the Pretreatment Standards in 0 of this Chapter.
 - (6) Failure to pay administrative fines, fees or User charges.
- B. Termination of discharge shall not be a bar to, or a prerequisite for, the Superintendent taking any other action or actions against the User, including Emergency Suspensions.
- C. The Superintendent shall notify the User of the proposed termination of its discharge. The User may, within 15 calendar days of the mailing date of such notification, petition the Superintendent to permit continued use of the POTW by the User. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent may then:
 - (1) Reject any frivolous petitions;
 - (2) Order a User to provide additional information to the Superintendent; or
 - (3) Order the petitioner to show cause in accordance with § 190-116.

§ 190-122. Failure of User to Petition the Superintendent

- A. In the event the Superintendent issues any administrative order including a Consent Order, Compliance Order, or Cease and Desist Order, terminates the User’s permit, makes any fine, or utilize any other administrative remedy as set forth in this Article, and the User fails, within the designated period of time set forth, to petition the Superintendent, 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.

§ 190-123. Notice

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

§ 190-124. Right to Choose Multiple Remedies

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

Article XVI Judicial Enforcement Remedies

§ 190-125. Injunctive Relief

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Superintendent may petition a court of competent jurisdiction through the Village Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User.
- B. The Superintendent may also seek such other action or actions as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation.
- C. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

§ 190-126. Court Orders

- A. In addition to the power to assess penalties as set forth in this Article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in Article I and Article I of this Chapter, to seek an order:
 - (1) Suspending, revoking, or modifying the violating User's individual wastewater discharge permit; or
 - (2) Enjoining the violating User from continuing the violation.
- B. If the Superintendent decides such action is warranted, any such court order shall be sought in an action brought by the Village Attorney, at the request of the Superintendent, in the name of the Village, in any court of competent jurisdiction giving precedence to courts local to the Village.
- C. The Village Attorney, at the request of the Superintendent, 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.
- D. A petition for a court order under this Section shall not be a bar to, or a prerequisite for, the Superintendent taking any other action or actions against the User.

§ 190-127. Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder or any other Pretreatment Standard or requirement, shall be liable to the Village for a civil penalty in at least the amount of \$1,000.00 per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

- B. The Superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village.
- C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, the Superintendent taking any other action or actions against a User.
- D. No prosecution under this Section shall be instituted until after final disposition of a show cause hearing, if any was instituted.
- E. A civil penalty may be released or compromised by the Superintendent 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 Superintendent.

§ 190-128. Criminal Prosecution

- A. A User who has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder or any other Pretreatment Standard or requirement, shall, upon conviction thereof, be guilty of a violation, punishable by a fine in at least the amount of \$250.00 per violation, per day, or imprisonment for not more than 15 days, or both. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. A User who introduces any substance into the POTW that causes personal injury or property damage shall, upon conviction, be guilty of a violation, punishable by a fine in at least the amount of \$250.00 per violation, per day, or imprisonment for not more than 15 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine in at least the amount of \$250.00 per violation per day or imprisonment for not more than 15 days or both.
- D. No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, is instituted.
- E. Any prosecution brought against a User shall not be a bar against, or a prerequisite for, the Superintendent taking any other action or actions against a User.

§ 190-129. Remedies Nonexclusive

- A. The remedies provided for in this Chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

Article XVII Supplemental Enforcement Action

§ 190-130. Summary Abatement

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

§ 190-131. Water Supply Severance

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this Chapter, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, and where water service is also provided by the Village to such User, 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.
- B. Severance of water supply shall not be a bar against, or a prerequisite for, the Superintendent taking any other action or actions against the User.
- C. The Superintendent shall notify the User of the proposed water supply severance. The User may, within 15 calendar days of the mailing date of such notification, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent may then:
- (1) Reject any frivolous petitions;
 - (2) Reconnect the water supply;
 - (3) Order a User to provide additional information to the Superintendent; or
 - (4) Order the petitioner to show cause in accordance with § 190-116.

Article XVIII Charges

§ 190-132. Sewage Service Charges

- A. Rate schedules shall be prepared by the Village for the purpose of collecting sufficient revenue for the operation and maintenance of the POTW. The collection of sewer rate charges is the responsibility of the Village Clerk/Treasurer and will be billed as indicated in fee schedule as established by the Village Board. Such rates are based on revenue requirements of the adopted, approved sewer budget and are subject to annual adjustment to accurately reflect sewer expenses based on actual revenues received.
- B. Sewer use charges will be collected quarterly as follows;
 - (1) June 1st;
 - (2) September 1st;
 - (3) December 1st;
 - (4) March 1st;
- C. Sewer use charges which are not paid on or before the due date shall bear a penalty of five percent (%). When sewer user charges are not paid within thirty (30) days of the due date, an additional five percent (5%) of the amount thereof shall be added thereto and collected thereafter. All sewer user charges not paid subsequent to the termination of water service shall have a penalty of two percent (2%) per month of the amount due and owing added thereto from the date of termination and collected thereafter. If such amount remains unpaid on the first day of June, the Village Clerk-Treasurer shall certify the amount due and payable to the Village Board, which shall levy the same as taxes and add such sewer user charge and penalties to the succeeding tax roll of the Village. Such tax shall be collected and enforced in the same manner and at the same time as provided for the collection and enforcement of the Village taxes, and it shall be the duty of the Village Clerk-Treasurer to charge and collect interest thereon at the same rate specified for the collection of Village taxes. Such sewer user charges shall constitute a lien upon the real property served by the POTW, and such lien shall be prior and superior to any other lien or claim except the lien of an existing tax, assessment or other lawful charge.
- D. All sanitary sewerage service may be disconnected without further notice if the sewer rents for such service are not paid within thirty (30) days after rendition of the final bill therefor.
- E. Revenues derived from such sanitary sewer user charges, including interest, shall be credited to a special fund to be known as the “sewer user charge fund”. Moneys in such fund shall be used solely for the payment of the cost of operation and maintenance of the POTW.
- F. All users of the POTW, including tax-exempt properties, must pay sewer user charges.
- G. There are four (4) classes of users in the Village of Lyndonville Sewer District, established as follows:
 - (1) Class 1: a single service unit with one (1) service connection contributing domestic-strength wastewater not to exceed one hundred fifty thousand gallons per year (gpy) at a concentration not to exceed limits of normal sewage as defined in § 190-4 as represented by, but not limited to, a single-

family detached house, cottage, mobile home on a private site, single commercial or professional building, church, fire hall, business office, store, private club or other similar occupancy. For one or more buildings grouped together on a single service, each shall be considered a separate parcel or separate parcels, each service unit being separable from the other.

- (2) Class 2: a service unit consisting of a single occupancy contributing in excess of 150,000 gallons per year of waste or a multiple occupancy contributing waste to a single service connection of a concentration not to exceed limits in § 190-4. A Class 2 unit shall be charged one service unit for the first occupancy plus ½ of a service unit for each additional service unit in the same occupancy. Class 2 service units shall be comprised of buildings such as multiple-family dwellings, apartment buildings, mobile home parks or commercial buildings with living quarters or apartments.
 - (3) Class 3: industrial or institutional users discharging nonprocess waste and not containing any waste in § 190-58 of this Chapter. One service unit charge will be made for each water meter in each building or group of buildings, whether on a single parcel or separate parcels or whether owned and/or operated by one or more businesses at the same location. This would include industrial users, schools, hospitals, nursing homes, public housing facilities and the like.
 - (4) Class 4: industrial uses discharging process and domestic waste to a sewer connection, whether or not in excess of 150,000 gallons per year, not containing any waste described in § 190-58 or when the waste is pretreated by such user prior to discharge to the sewer system to meet the limitations of normal sewage as defined in § 190-4. One service unit charge will be made for each water meter in buildings on the same or separate parcels or whether owned or operated by one or more businesses at the same location.
- H. Separate services charges may be made in accordance this Chapter and for any special services, equipment or waste-monitoring required by such service unit connection to the sewer system.
- I. Sewer use charges shall consist of the following:
- (1) An availability charge for each service unit.
 - (2) An actual water consumption charge based on 95% of metered water use of 100% of the metered waste flow to the sewer connection.
 - (3) Special charges for the treatment of wastes exceeding local law limitations, in the form of a charge for excess pounds per day of BOD, suspended solids, COD, acidity and alkalinity and for required chemicals to adjust pH and sampling/testing charges to establish waste characteristics and flow.
 - (4) An actual sewage discharge fee based on 100% of the metered (if required by the Superintendent) flow to the sanitary sewer connection.
- J. For availability charges, flow charges, and any additional special charges by service unit, refer to the fee schedule as established by the Village Board.
- K. Commercial/industrial users shall make surcharge payments for all BOD, suspended solids, chlorine demand, and excess flow greater than the permitted discharge and/or the defined characteristics of normal sewage, in accordance with the following formulas based on actual measurements:

- (1) For excess BOD: Surcharge = (Actual concentration – 300)(8.34)(Flow MGD)(Surcharge Rate/100 pounds).
- (2) For excess suspended solids: Surcharge = (Actual concentration – 300)(8.34)(Flow MGD)(Surcharge Rate/100 pounds).
- (3) For excess chlorine demand: Surcharge = (Actual concentration – 15)(8.34)(Flow MGD)(Surcharge Rate/100 pounds).
- (4) For excess flow: Surcharge = (Actual Flow MGD – Permitted Flow MGD)(Surcharge Rate).

The Village reserves the right to establish fees on a case by case basis for wastewater discharges allowed under a significant industrial user permit.

Article XIX Conflicts, Severability, Effective Date And Applicability

§ 190-133. Conflicts

- A. If any of the provisions of this Chapter conflict with any other provision of the Village of Lyndonville Code, law or regulation, the provisions of this Chapter shall supersede such conflicting provisions.

§ 190-134. Severability

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

Appendix

Parameters of Concern

Parameters of concern as defined by NYSDEC or USEPA and include the following as a minimum:

Class A - Halogenated Hydrocarbons

Class B - Halogenated Organics (Other than Hydrocarbons)

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides)

Class D - Aromatic Hydrocarbons

Class E - Tars

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated)

Class G – Miscellaneous

Class M - Metals and their Compounds

Class A - Halogenated Hydrocarbons

A01. Methyl Chloride

A02. Methylene Chloride

A03. Chloroform

A04. Carbon Tetrachloride

A05. Freon/Genatron

A06. Other Halomethanes

A07. 1,1,1-Trichloroethane

A08. Other Haloethanes

A09. Vinyl Fluoride

A10. Vinyl Chloride

A11. Dichloroethylene

A12. Trichloroethylene

A13. Tetrachloroethylene

A14. Chlorinated Propane

A15. Chlorinated Propene

A16. Hexachlorobutadiene

A17. Hexachlorocyclopentadiene

A18. Chlorinated Benzene

A19. Chlorinated Toluene

A20. Fluorinated Toluene

A21. Polychlorinated Biphenyl (PCB)

A22. Chlorinated Naphthalene

A23. Dechlorane (C₁₀Cl₁₂)

A24. Hexachlorocyclohexane (BHC)

A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons)

B01. Phosgene

B02. Methyl Chloromethyl Ether

B03. Bis-Chloromethyl Ether

- B04. Other Chloroalkyl Ethers
- B05. Benzoyl Chloride
- B06. Chlorothymol
- B07. Chlorinated Phenol
- B08. Chlorinated Cresols or Xylenols
- B09. Chlorendic Acid
- B10. Chloroaryl Ethers
- B11. Dichlorophene or Hexachlorophene
- B12. Chlorinated Aniline (Including Methylene Bis)(2-Chloroaniline)
- B13. Dichlorobenzidine
- B14. Chlorinated Diphenyl Oxide
- B15. Chlorinated Toluidine
- B16. Kepone (C₁₀Cl₁₀O)
- B17. Dichlorovinyl Sulfonyl Pyridine
- B18. Chloropicrin
- B19. Trichloromethyl Thio-Phthalimide
- B20. Trichloro-Propylsulfonyl Pyridine
- B21. Tetrachloro-Methylsulfonyl Pyridine
- B22. Tetrachloro-Isophthalonitrile
- B99. Halogenated Organics Not Specified Above

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides)

- C01. Aldrin/Dieldrin
- C02. Chlordane and Metabolites
- C03. DDT and Metabolites
- C04. Endosulfan/Thiodan and Metabolites
- C05. Endrin and Metabolites
- C06. Heptachlor and Metabolites
- C07. Malathion
- C08. Methoxychlor
- C09. Parathion
- C10. Toxaphene
- C11. Sevin
- C12. Kelthane
- C13. Diazinon
- C14. Dithane
- C15. Carbaryl
- C16. Silvex
- C17. Dithiocarbamates
- C18. Maneb
- C19. Dioxathion
- C20. Tandex/Karbutilate
- C21. Carbofurans
- C22. Pentac
- C23. Folpet

- C24. Dichlone
- C25. Rotenone
- C26. Lindane/Isotox
- C27. Simazine
- C28. Methoprene
- C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons

- D01. Benzene
- D02. Toluene
- D03. Xylene
- D04. Biphenyl
- D05. Naphthalene
- D06. Ethylbenzene
- D07. Styrene
- D08. Acenaphthene
- D09. Fluoranthene
- D99. Aromatic Hydrocarbons Not Specified Above

Class E – Tars

- E01. Coal Tar
- E02. Petroleum Tar
- E99. Tars Not Specified Above

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogogenated)

- F01. Phenol, Cresol or Xylenol
- F02. Catechol, Resorcinol, or Hydroquinone
- F03. Nitrophenols
- F04. Nitrobenzenes
- F05. Nitrotoluenes
- F06. Aniline
- F07. Toluidines
- F08. Nitroanilines
- F09. Nitroanisole
- F10. Toluene Diisocyanate
- F11. Dimethylaminoazobenzene
- F12. Benzoic Acid (and Benzoate Salts)
- F13. Phthalic, Isophthalic or Terephthalic Acid
- F14. Phthalic Anhydride
- F15. Phthalate Esters
- F16. Phenoxyacetic Acid
- F17. Phenylphenols
- F18. Nitrobiphenyls
- F19. Aminobiphenyls (Including Benzidine)
- F20. Diphenylhydrazine
- F21. Naphthylamines

- F22. Carbazole
- F23. Acetylaminofluorene
- F24. Dyes and Organic Pigments
- F25. Pyridine
- F99. Substituted Aromatics Not Specified Above

Class G – Miscellaneous

- G01. Asbestos
- G02. Acrolein
- G03. Acrylonitrile
- G04. Isophorone
- G05. Nitrosamines
- G06. Ethyleneimine
- G07. Propiolactone
- G08. Nitrosodimethylamine
- G09. Dimethylhydrazine
- G10. Maleic Anhydride
- G11. Methyl Isocyanate
- G12. Epoxides
- G13. Nitrofurans
- G14. Cyanide

Class M - Metals and Their Compounds

- M01. Antimony
- M02. Arsenic
- M03. Beryllium
- M04. Cadmium
- M05. Chromium
- M06. Copper
- M07. Lead
- M08. Mercury
- M09. Nickel
- M10. Selenium
- M11. Silver
- M12. Thallium
- M13. Zinc
- M99. Metals Not Specified Above

Village of Lyndonville Sewer Fee Schedule - 2020

Sewer Rate per 1,000 gallons of ninety-five (95%) percent of metered water \$6.20

Sewer Cost by Class

Cost

Class 1

1 service unit, less than 150,000 gpy Availability charge: \$100.00 per year;
\$6.20 per 1,000 gallons of 95%
metered water

Class 2

First service unit Availability charge: \$100.00 per year
 Each additional service unit Availability charge: \$50.00 per year
 Flow charge \$6.20 per 1,000.00 gallons of 95% of metered water

Class 3

Each service unit Availability charge: \$260.00 per year
 Nonprocess waste in excess of 150,000 gpy \$6.20 per 1,000 gallons of 95% metered water

Class 4

Each service unit Availability charge: \$340.00 per year
\$6.20 per 1,000 gallons of 95%
metered water³; plus charge for excess
BOD, suspended solids, COD,
acidity, pH and testing per local law
 Process waste and sanitary

Sewer Connection Fee Cost per Unit¹ \$1,900

Significant Industrial User Permits^{2,4} \$300

Notes:

- 1) Includes both short and long-side sewer connections.
- 2) Professional services assistance in connection with the permit review shall be charged to the applicant.
- 3) In the event the User does not have a metered water supply, or the water usage is deemed to be not representative of the actual amount of water discharge to the Village Publicly Owned Treatment Works (POTW), the Superintendent may require the User to install flow monitoring on the sewer discharge. Flow monitoring would be required to be accessible to the Superintendent. Flow monitoring data would be required to be submitted to the Superintendent monthly.
- 4) The Village reserves the right to establish fees on a case by case basis for wastewater discharges allowed under a significant industrial user permit.