

SEWERS

General Table Of Contents

Article	Title
1	Short Title and Purpose
2	Definitions
3	Use of Public Sewers Required
4	Private Wastewater Disposal
5	New Sewers or Sewer Extensions
6	Building Laterals, Street Laterals, Connections, and Fees
7	Inflow
8	Trucked and Hauled Wastes
9	Discharge Restrictions
10	Discharge Permits and Pretreatment Requirements
11	Enforcement and Penalties
12	Charges
13	Public Disclosure of POTW Operation
14	Conflicts, Severability, Effective Date and Applicability

Specific Table of Contents

Article 1 - Short Title and Purpose

Section 101 - Short Title

Section 102 - General Purpose

Section 103 - Specific Purposes

Article 2 - Definitions

Section 201 - Defined Terms

Section 202 - Abbreviations

Section 203 - Undefined Terms

Article 3 - Use of Public Sewers Required

Section 301 - Waste Disposal Unlawful

Section 302 - Connecting Private Sewage System to Storm Sewer Unlawful

Section 303 - Discharge of Sewage into Well Prohibited

Section 304 - Wastewater Discharge Unlawful

Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available

Section 306 - Private Wastewater Disposal Unlawful

Section 307 - Connection to Public Sewer Required

Section 308 - Limitation on Use of Public Sewers

Section 309 - Basis of Sewer Use Requirement

Article 4 - Private Wastewater Disposal

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required

Section 402 - Connection of Two Buildings to the Same STEP System Prohibited

Section 403 - Direct Connection to New Public Sewers Required

Section 404 - Additional Requirements

Article 5

New Sewers or Sewer Extensions

Section 501 – Extension of the Public Sewers within the Village to serve New Users

Section 502 - Wastewater from Outside the POTW Service Area

Section 503 - Moratorium

Section 504 - Proper Design

Section 505A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

Section 505B - Plans, Specification, and Pipe Test Results Required

Section 506 - Force Main Testing

Section 507 - Final Acceptance and Warranty/Surety

Section 508 - Liability Insurance Coverage During Construction Period

Article 6

Building Laterals, Street Laterals Connections, and Fees

Section 601A - Permit Required for Sewer Connections

Section 601B - Inflow/Infiltration Prohibited

Section 602 - Sewer Lateral Permits

Section 603A - New Building Services

Section 603B - Sewer Laterals Serving Several Buildings

Section 603C - Sewer Laterals Serving Complexes

Section 604 A - Using Existing Building Laterals

Section 604 B - New Building Laterals

Section 605 - Sewer Lateral Pipe Materials

Section 606A - Sewer Lateral to Public Sewer Connection

Section 606B - Future Connection Locations; As-Built Drawings

Section 606C - Special Manhole Requirements

Section 607 – Sewer Laterals At and Near Buildings

Section 608 - Sewage Lifting

Section 609 – Building Lateral Pipe Installation

Section 610 - Watertight Joints

Section 611 - Building Lateral/Sewer System Connection

Section 612 - Testing

Section 613A - Connection Inspection

Section 613B - Trench Inspections

Section 614 - Public Safety Provisions & Restoration of Disturbed Areas for New Sewers

Section 615 - Interior Clean-Out

Section 616 - Costs Borne by Owner

Section 617 - Costs Borne by the Village

Article 7 - Inflow

Section 701 - New Inflow Sources Prohibited

Section 702 - Existing Inflow Sources Disconnected

Section 703 - Existing Inflow Sources Disconnected When Property Sold

Section 704 - No Re-connection of Inflow Source Allowed

Section 705 - Charges for Inflow

Article 8 - Trucked or Hauled Waste

Section 801 – Septic Tank Waste Licenses and Application

Section 802 - Notification of Dumping

Article 9

Discharge Restrictions

Section 901 - Pretreatment Standards

Section 902 - General Prohibitions

Section 903 - Modification of Limitations

Section 904 - Access to User's Records

Section 905 - Dilution

Section 906 - Grease, Oil, and Sand Interceptors

Section 907 - Rejection of Wastewater

Article 10

Discharge Permits And Pretreatment Requirements

Section 1001 - Wastewater Discharge Reports

Section 1002 - Notification to Industrial Users

Section 1003 A - Wastewater Discharges

Section 1003 B - Wastewater Discharge Permits Required For Significant Industrial Users

Section 1003 C - Other Industrial Users

Section 1003 D - Discharge Permits to Storm Sewers Not Authorized

Section 1004 A - Application for Wastewater Discharge Permits

Section 1004 B - Permit Modifications

Section 1004 C - Permit Conditions

Section 1004 D - Permit Duration

Section 1004 E - Permit Reissuance

Section 1004 F - Permit Transfer

Section 1004 G - Permit Revocation

Section 1004 H - Public Notification

Section 1005 - Reporting Requirements for Permittee

Section 1006 - Flow Equalization

Section 1007 - Monitoring Stations (Control Manholes)

Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations

Section 1009 - Vandalism, Tampering with Measuring Devices

Section 1010 - Sampling and Analysis

Section 1011 - Accidental Discharges; SPCC Plan

Section 1012 - Posting Notices

Section 1013 - Sample Splitting

Section 1014 - Public Access to Information Maintained by the Superintendent

Section 1015 A - Access to Property and Records

Section 1015 B - Access to Easements

Section 1015 C - Liability of Property Owner

Section 1016 - Special Agreements

Article 11 - Enforcement and Penalties

Administrative Remedies

Section 1101 - Notification of Violation

Section 1102 - Consent Orders

Section 1103 - Administrative or Compliance Orders

Section 1104 - Administrative Fines

Section 1105 - Cease and Desist Orders

Section 1106 - Termination of Permit

Section 1107 - Water Supply Severance

Section 1108 - Show Cause Hearing

Section 1109 - Failure of User to Petition the Superintendent

Section 1110 - Notice

Section 1111 - Right to Choose Multiple Remedies

Judicial Remedies

Section 1112 - Civil Actions for Penalties

Section 1113 - Court Orders

Section 1114 - Criminal Penalties

Section 1115 - Injunctive Relief

Section 1116 - Summary Abatement

Miscellaneous

Section 1117 - Delinquent Payments

Section 1118 - Performance Bonds

Section 1119 - Liability Insurance

Section 1120 - Informant Rewards

Section 1121 - Public Notification

Section 1121 - Contractor Listings

Article 12 - Charges

Section 1201 - Normal Sewage Service Charges

Section 1202 - Surcharge for Abnormal Sewage

Section 1203 - Total Sewer Service Charge

Section 1204 - Segmenting the POTW

Section 1205 - Measurement of Flow

Section 1206 - Billing Period

Section 1207 - Pretreatment Program Costs

Section 1208 - Charges for Trucked or Hauled Waste

Section 1209 - Capital Recovery

Section 1210 - Collection of Charges

Section 1211 - Fiscal Year for System

Section 1212 - Use of Revenues

Section 1213 - Records and Accounts

Article 13 - Public Disclosure of POTW Operations

Section 1301 - POTW Operations Open to the Public

Section 1302 - Procedural Requirements Available

Section 1303 - Validity Through Public Inspection

Article 14 - Conflicts, Severability, Effective Date and Applicability

Section 1401 - Conflicts

Section 1402 - Severability

Section 1403 - Effective Date

Article 1

Short Title and Purpose

Section 101 - Short Title

Section 102 - General Purpose

Section 103 - Specific Purposes

Section 101 - Short Title

For brevity and ease of communication, this Chapter may be cited as Sewers.

Section 102 - General Purpose

The general purpose of this Chapter is the following:

To provide for efficient, economic, environmentally safe, and legal operation of the Village of Red Hook Publicly Owned Treatment Works (POTW).

Section 103 - Specific Purposes

The specific purposes of this Chapter are the following:

- 1) To prevent the introduction of substances into the POTW that will:
 - a. interfere with the POTW in any way,
 - b. pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,
 - c. increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals,
 - d. endanger municipal employees,
 - e. cause air pollution, or groundwater pollution, directly or indirectly,
 - f. cause, directly or indirectly, any public nuisance condition.
- 2) To prevent new sources of infiltration and inflow.
- 3) To assure that new sewers and connections are properly constructed.
- 4) To provide for equitable distribution to all Users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

Article 2

Definitions

Section 201 - Defined Terms

Section 202 - Abbreviations

Section 203 - Undefined Terms

Section 201 - Defined Terms

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

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

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

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

Approval Authority - New York State Department of Environmental Conservation (NYSDEC).

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.

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

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

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

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

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

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

Building Lateral – a gravity sewer that connects the Building Drain to the Septic Tank or Grease Trap.

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

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

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

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

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

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

Control Authority - The term shall refer to "Approval Authority", or to the Superintendent when Village of Red Hook has an approved pretreatment program under the provisions of 40 CFR 403.11.

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 - Dutchess County.

Developer - Any person who constructs or causes to be constructed, buildings for which wastewater disposal facilities are required.

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

Domestic Wastes - see Sewage, Domestic.

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

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

End of Process Concentration - see National Categorical Pretreatment Standard.

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

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

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

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

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

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

FOG – Fats, Oils, & Grease

Force Main – A pressurized sewer pipe through which the wastewater is pumped.

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

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

Grease Trap – A watertight tank designed to prevent grease, fats, & oils from passing into a sewer system. The sizing and design of the tank shall be per NYS DEC Design Standards and approved by the Superintendent.

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 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, which 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.

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

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

v - Marine Protection Research and Sanctuaries Act.

Monitoring Station - A manhole accessible to the Village in the Sewer Lateral, such that flow can be monitored and recorded and samples collected from the manhole that represent the discharge to the POTW.

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

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

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

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

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

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

New User - A discharger to the POTW who initiates discharge after the construction of the Phase One sewer system.

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 Village POTW into waters of the State in quantities, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

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

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

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

Phosphorus, total - See total phosphorus.

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

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

Pretreatment (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 a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

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

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

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

Prohibitive Discharge Standard - see National Prohibitive Discharge Standard.

Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-quarter (1/4) inch in any dimension.

POTW Treatment Plant - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

Publicly Owned Treatment Works (POTW) - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by the Village of Red Hook. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

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

Records - Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this 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 domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements and approved for use in the STEP system by the Superintendent.

Septic Tank Effluent Pump – A packaged pump unit complete with controls and effluent filter that is installed in a Septic Tank and discharges into a common Force Main that conveys the wastewater to the POTW. The pump is controlled by a liquid level sensor that turns the pump on and off. The manufacturer and model of the Septic Tank effluent pump shall be as determined by the Village Engineer.

Septic Tank Effluent Pump System – Also known as a STEP system. A wastewater collection and primary treatment system consisting of a Septic Tank, Septic Tank Effluent Pump with

controls, and Force Main that conveys wastewater from the Building to the common Force Main serving the POTW.

Sewer Lateral – A small diameter Force Main connecting the STEP system to the common Force Main.

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 Red Hook Village Board.

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

Sewage, Domestic (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:

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

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

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

Sewage 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 may be gravity or low pressure Force Main.

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

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

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

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

Sewerage System (also POTW) - 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 Chapter;

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

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

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

State - State of New York.

State's Waters - See Waters of the State.

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

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

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

Superintendent - That individual nominated by the Mayor of the Village of Red Hook and confirmed by the Red Hook Village Board. Such an individual shall be licensed to operate a POTW in the State, and otherwise qualified to oversee water treatment and distribution and

POTW operations. This definition shall also include his authorized deputy, agent, or representative.

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

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

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

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

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

User, Existing - A discharger to the POTW who is connected to the Phase One sewer system.

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

User, New - A discharger to the POTW who initiates discharge after the construction of and connection of all the Users in the Phase One sewer system

User, Outside – A discharger to the POTW from outside of the Service Area as approved by the Red Hook Village Board.

User, Significant Industrial (SIU) - An Industrial User of the Village of Red Hook POTW who is:

- Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,

- Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

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

Village - The Village of Red Hook.

Village Board – The Village Board of Trustees

Volume Charge (User Charge) - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article 12). The volume charge shall be based on water use records. The specific charge shall be subject to approval by the Village Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW. The basis of volume charge calculations shall be made available to the public, on demand, as provided in Article 13. The volume charge shall be recalculated annually, as well as the surcharge rates.

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

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

Wastewater, Unusual Strength or Character - see Sewage, Unusual Strength or Character.

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.

Section 202 - Abbreviations

The following abbreviations shall have the designated meanings:

ANSI - American National Standards Institute

ASTM - American Society for Testing and Materials

AWWA - American Water Works Association

BOD - Biochemical Oxygen Demand

CFR - Code of Federal Regulations

CPLR - Code of Public Law and Rules

COD - Chemical Oxygen Demand

EPA - Environmental Protection Agency

L - Liter

Mg - Milligram

Mg/l - Milligrams per liter
NCPI - National Clay Pipe Institute
NPDES - National Pollutant Discharge Elimination System
NYSDEC - New York State Department of Environmental Conservation
NYSDOH - New York State Department of Health
NYSDOT - New York State Department of Transportation
P - Total Phosphorus
PSI - Pounds per Square Inch
POTW - Publicly Owned Treatment Works
PPM - Parts per Million, weight basis
SIC - Standard Industrial Classification
SPDES - State Pollutant Discharge Elimination System
SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.
U.S.C. - United State Code of Laws
USEPA - United State Environmental Protection Agency
TSS - Total Suspended Solids

Section 203 - Undefined Terms Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

Article 3

Use of Public Sewers Required

Section 301 - Waste Disposal Unlawful
Section 302 - Connecting Private Sewage System to Storm Sewer Unlawful
Section 303 - Discharge of Sewage into Well Prohibited
Section 304 - Wastewater Discharge Unlawful
Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available
Section 306 - Private Wastewater Disposal Unlawful
Section 307 - Connection to Public Sewer Required
Section 308 - Limitation on Use of Public Sewers
Section 309 - Basis of Sewer Use Requirement

Section 301 - Waste Disposal Unlawful

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the 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.

Section 302 - Connecting Private Sewage system to Storm Sewer Unlawful

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

Section 303 - Discharge of Sewage into Well Prohibited

No person shall discharge sewage into a well.

Section 304 - Wastewater Discharge Unlawful

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.

Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this 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 sewers.

Section 306 - Private Wastewater Disposal Unlawful

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

Section 307 - Connection to Public Sewer Required

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village Service Area of the POTW, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Chapter, within ninety (90) days after official notice to do so, provided that said public sewer is within fifty (50) feet of the property line closest to the end of the sewer.

Section 308 - Limitation on Use of Public Sewers

The use of the Village public sewers shall be strictly limited and restricted, except as provided in Section 307 above, 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 sewer Service Area of the POTW.

Section 309 - Basis of Sewer Use Requirement

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

Article 4

Private Wastewater Disposal

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required

Section 402 - Connection of Two Buildings to the Same Septic Tank Prohibited

Section 403 - Direct Connection to New Public Sewers Required

Section 404 - Additional Requirements

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required

Where a public sewer is not available, under the provisions of Section 307 above, the Building Lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Dutchess County Health Department.

Section 402 - Connection of Two Buildings to the Same STEP System Prohibited

No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same STEP system except that two STEP systems may be connected to a common Sewer Lateral with the approval of the Village Engineer and the Superintendent. If such a parcel is proposed for subdivision in the future, with each of the buildings on a separate lot, then each building must be provided with a separate STEP system by the Owner at their cost as part of the subdivision approval

Section 403 - Direct Connection to New Public Sewers Required

At such time that a public STEP system becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this Chapter, and any cesspool, Septic Tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate.

Section 404 - Additional Requirements No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Superintendent, to protect public health and public welfare.

Article 5

New Sewers or Sewer Extensions

Section 501 – Extension of the Public Sewers within the Village to serve New Users

Section 502 - Wastewater from Outside the POTW Service Area

Section 503 - Moratorium

Section 504 - Proper Design

Section 505A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

Section 505B - Plans, Specification, and Pipe Test Results Required

Section 506 - Force Main Testing

Section 507 - Final Acceptance and Warranty/Surety

Section 508 - Liability Insurance Coverage During Construction Period

Section 501 – Extension of the Public Sewers within the Village to serve New Users

- 1) The Village Board shall have the discretion to permit an individual property, linear group of properties, or a commercial and/or residential development to extend and connect to the Village Sewerage System.

- 2) SEQRA and all other regulatory requirements shall be conducted and financed by the individual property owner, group of property owners, or developer. The Village Board may waive this requirement at its discretion.
- 3) The Village Board, when considering such extensions, may use in its determinations the following criteria: Labor, materials, and equipment cost to extend the Force Main; the number of New Users provided by the extension; the route of the extension and the impact on adjacent properties.
- 4) A minimum of 30% excess capacity in the wastewater treatment plant as determined by the Superintendent shall be maintained and shall be considered by the Village Board in its determination to permit new connections or extension of the system.
- 5) New connections to the Village Sewerage System shall use components and materials similar to or compatible with the existing sewer system and meeting standards set by the Superintendent and the Village Engineer.
- 6) Construction, connections, and installation of the new Sewerage system components and procedures shall be reviewed and inspected by the Superintendent for compliance with applicable codes, best construction practices, and this Chapter.
- 7) Plans for the extension to serve a New User shall be reviewed and approved by the Village Engineer.
- 8) Extensions of the sewer system Force Mains shall extend the full dimension of an individual property or linear group of properties. The Village shall install the extension of the Force Main unless the Village Board determines that they wish to permit others to install and pay for such extension.
- 9) The New Users shall install the STEP system from the Force Main through the Septic Tank and if necessary, the Grease Trap. The Building Lateral shall be either installed new or if deemed acceptable by the Superintendent, connected to the STEP system.
- 10) Damages incurred during construction, installation, connections or expansion of the Village Sewerage System by contractors not directly employed by the Village shall be repaired, remediated, and brought into compliance and financed by the individual property owner, groups of property owners or developers privately contracting the work.
- 11) All new infrastructure installed for the extension, including but not limited to Septic Tanks, Grease Traps, pumps and controls, Sewer Laterals and Force Mains shall be conveyed to, owned, and operated by the Village.
- 12) The property owner shall grant the Village a permanent easement for maintaining the STEP system on the property.
- 13) Property owners shall retain ownership and maintenance of the Building Lateral.
- 14) The New User shall pay a User charge at a rate established by the Village Board however it shall not be less than the sewer use charged a Phase One property.

Section 502 - Wastewater from Outside the POTW Service Area

- 1) The Village Board, on the recommendation of the Superintendent, shall have the authority to enter into agreements to accept Sewage and Other Wastes, including Industrial Wastes, generated by or discharged from Outside Users.
- 2) If the Outside User is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and Other Wastes as the restrictions contained in this Chapter.

- 3) If the Outside User is not a municipality the acceptance shall be made only with the expressed written consent of the Superintendent (the issuance of a permit) setting forth the terms and conditions of such an acceptance.
- 4) A Town Sewer District, or upon the invitation of the Town, a Part-County Sewer District must be in the process of being formed prior to consideration by the Village Board to incorporate the proposed Sewer District within the Village Sewerage System.
- 5) All SEQRA and regulatory requirements and their associated costs shall be conducted and financed by the proposed Town Sewer District or Part-County Sewer District.
- 6) The Village Board may waive the mandatory hook-up provision to Village properties that will be affected by the new mains and/or other components installed to connect Town Sewer Districts and or Part-County Sewer Districts to the Village POTW.
- 7) Required rights-of-way, easements, mains and required components to connect to a Town Sewer District and or Part-County Sewer District to the Village POTW shall be secured and financed by the proposed Town Sewer District and or Part-County Sewer District.
- 8) Connections from a Town Sewer District and or Part-County Sewer District shall be reviewed and inspected by the Superintendent for compliance and proper installation.
- 9) Plans for the extension to serve an Outside User shall be reviewed and approved by the Village Engineer.
- 10) Damages incurred during construction, installation, connections or expansion of the Village POTW shall be repaired, remediated and financed by the proposed Town Sewer District and or Part-County Sewer District. The Village shall be indemnified and held harmless for any such damages.
- 11) A 30% excess capacity in the Village POTW treatment plant must be maintained after connection of an Outside User. If required, expansion of the Village POTW treatment plant shall be considered part of and financed by the capital costs of a proposed Town Sewer District and or Part-County Sewer District. A cash payment, equivalent to the treatment plant expansion may be considered by the Village Board in lieu of a physical expansion to the treatment plant and accessory components. Such payment shall be deposited in a dedicated Village capital reserve account for future expansion of the treatment plant and accessory components.
- 12) All infrastructure, including but not limited to Force Mains, Septic Tanks, effluent pumps and controls, Building Laterals, electrical connections, Grease Traps, etc. not within the Village shall be owned, operated, and maintained by the proposed Town Sewer District and or Part-County Sewer District. This shall include sludge removal and STEP system maintenance.
- 13) The Outside User shall pay a User charge at a rate established by the Village Board however it shall not be less than 1.5 times the sewer use charged a Phase One property.
- 14) The Village Board shall establish a per parcel hook up fee for new Town Sewer District and or Part-County Sewer District connections to the Village POTW.

Section 503 - Moratorium

At the recommendation of the Superintendent, who determines that:

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

The Village Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

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

Section 504 - Proper Design New sanitary sewers and all extensions to sanitary sewers owned and operated by the Village shall be designed, by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC and any other agencies having the authority to permit or approve sanitary sewers. Plans and specifications shall be submitted to, and written approval shall be obtained from the Superintendent, the Dutchess County Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

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.

Section 505 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

All sewers shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 504 above, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Superintendent, 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 to the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 506 herein, before any building is connected thereto. The Superintendent shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the 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.

Section 505 B - Plans, Specification, and Pipe Test Results Required

Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of Wastewater facilities not covered in this Chapter, such as pumping stations, lift stations, or Force Mains shall be designed in accordance with Section 504

above and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the applicant shall submit, to the Superintendent, the Village Engineer, and the Dutchess County Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications.

Section 506 - Force Main Testing

All Force Mains shall be subjected to hydrostatic pressure of 150 percent of the normal operating pressure. The duration of the test, at pressure, shall be at least 2 hours. Before conducting the test, the pipe shall be filled with water and all air shall be expelled. During the test, water shall be added, as needed, to maintain the test pressure. The amount of water added shall be recorded so as to calculate leakage. Leakage shall not exceed 25 gallons per day per mile per inch nominal pipe diameter. During the test, the owner and the Superintendent shall walk the route of the Force Main and examine the exposed pipe and the ground covering any backfilled pipe to discover leaks. Leakage in excess of that specified above shall be corrected with new material at the owner's expense and the test repeated. Any observed leaks shall be repaired at the owner's expense. Each test section length shall be as approved by the Superintendent.

Section 507 - Final Acceptance and Warranty/Surety

All sanitary sewers and extensions to sanitary sewers constructed at the Applicant's expense, after final approval and acceptance by the Superintendent, and concurrence by the Red Hook Village Board, shall become the property of the Village, and shall thereafter be operated and maintained by the Village. No Sanitary Sewer shall be accepted by the Village until four (4) copies 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 Villages shall be guaranteed against defects in materials or workmanship for one (1) year, by the Applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Village Board, secured by a surety bond or such other security as the Village Board may approve.

Section 508 - Liability Insurance Coverage During Construction Period

- 1) All contractors engaged in connecting buildings to the sanitary sewers, who perform any work within the Right of Way of any highway, shall file a bond in the amount of Five Thousand Dollars (\$5,000.00) with the Village Clerk to indemnify the Village against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant for such a permit, or any of his, or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the Village may be revoked at any time for just cause.
- 2) Before commencing work, the above contractor shall file insurance certificates with the Village Clerk for the following:
 - (a) Workman's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor;
 - (b) Personal Injury Liability having limits of not less than \$1,000,000 each occurrence and \$2,000,000 aggregate (completed operations/products, personal injury);

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

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

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

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

(e) Business Excess Liability Insurance in the amount of \$2,000,000.

(f) All insurance policies must provide for five (5) business days' notice to the Village before cancellation and must cover all liabilities of the Village and be in a form approved by the Village Board, and be in a satisfactory form approved by the Board.

(g) The minimum insurance limits stated above shall be subject to periodic review by the Village Board and adjustments made, by resolution, as appropriate.

- 3) Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the Superintendent of Highways if a Village Highway is involved, from the County Department of Public Works if a County Highway is involved, and/or the New York State Department of Transportation if a State Highway is involved.
- 4) The minimum insurance limits above shall be as established by the Village Board and shall be subject to periodic review and adjustment, as appropriate, by the Village Board.

Article 6

Building Laterals, Street Laterals Connections, and Fees

Section 601A - Permit Required for Sewer Connections

Section 601B - Inflow/Infiltration Prohibited

Section 602 - Sewer Permits

Section 603A - New Building Services

Section 603B - Sewer Laterals Serving Several Buildings

Section 603C - Sewer Laterals Serving Complexes

Section 604 A - Using Existing Building Laterals

Section 604 B - New Building Laterals

Section 605 - Sewer Lateral Pipe Materials

Section 606A - Sewer Lateral to Public Sewer Connection

Section 606B - Future Connection Locations; As-Built Drawings

Section 606C - Special Manhole Requirements

Section 607 - Sewer Laterals At and Near Buildings

Section 608 - Sewage Lifting

Section 609 - Building Lateral Pipe Installation

Section 610 - Watertight Joints

Section 611 - Building Lateral/STEP System Connection

Section 612 - Testing

Section 613A - Connection Inspection

Section 613B - Trench Inspections

Section 614 - Public Safety Provisions & Restoration of Disturbed Areas for New Sewers

Section 615 - Interior Clean-Out

Section 616 - Costs Borne by Owner

Section 617 - Costs Borne by the Village

Section 601 A - Permit Required for Sewer Connections

No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 601 B - Inflow/Infiltration Prohibited

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.

Section 602 - Sewer Permits

There shall be two classes of Sewer Lateral permits:

- 1) For residential, commercial, and institutional service,
- 2) For service to establishments producing Industrial Wastes.

In either case, a permit application shall be submitted to the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Superintendent. A fee, for residential, commercial, institutional and Industrial Users, as established by the Village Board, shall accompany the application. Connections shall be made as directed by the Superintendent.

Section 603 A - New Building Services

A separate and independent Sewer 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 Sewer Lateral if there is no other way to provide sanitary service to the back building.

New Sewer 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. A new permanent easement shall be granted by the property owner to the Village.

Section 603 B –Sewer Laterals Serving Several Buildings

When Sewer Laterals are to serve multiple dwelling structures, the Sewer Lateral shall be sized in accordance with the metered water use and with sound professional engineering judgement and approved by the Village Engineer.

Section 603 C – Sewer Laterals Serving Complexes

Where a Sewer Lateral is to serve a complex of Industrial, commercial, institutional, or dwelling structures, special design of the Sewer Lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole containing appropriate cleanouts. The Superintendent shall determine if and where this connection to the public sewer is required. Plans and specifications shall be prepared and submitted for approval pursuant to this Chapter.

Section 604 A - Using Existing Building Laterals

Existing Building Laterals may be used in connection with new STEP systems only when they are found, on examination by the Superintendent, to meet all requirements of this local Chapter.

Section 604 B – New Building Laterals

New Building Laterals where required shall be in accordance with the Village Sewerage system standard details or as approve by the Superintendent.

Section 605 – Sewer Lateral Pipe Materials

Sewer Lateral pipe materials shall be in accordance with the Village Sewerage system standard details or as approve by the Superintendent. The Sewer Lateral shall include a full port curb stop with flow-through diameter equal to that of the Sewer Lateral. A curb box shall be installed.

Section 606 A - Sewer Lateral to Public Sewer Connection

The inside diameter of the fittings shall be same inside diameter as the Sewer Lateral.

Section 606 B - Future Connection Locations; As-Built Drawings

The Sewer Lateral shall be connected to the main sewer at the time of constructing the Force Main, for each proposed lot for either immediate or future development. Sewer Laterals installed for future development shall be fitted a standard cap approved for use by the Superintendent. All sewer connections shall be via a properly installed tap on the Force Main. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated. Four (4) 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 per the Village Sewerage system fee schedule. No sanitary sewer shall be accepted by Village until four (4) copies of this record drawing have been so filed with the Superintendent and the Superintendent has approved the submitted drawings.

Section 606 C - Special Manhole Requirements

When any Sewer 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 the lateral is anticipated, then the lateral shall be connected to the Public Sewer through a manhole containing a cleanout. The Superintendent shall determine if and where this type of connection to the Public Sewer is required.

Section 607 – Sewer Laterals At and Near Buildings

Building Laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. 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 expressed written approval of the Superintendent. 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 Laterals which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 608 - Sewage Lifting

In all buildings in which any Building Drain is too low to permit gravity flow to the STEP system, wastewater carried by such drain shall be lifted by pump and discharged to the Building Lateral, on approval of the Superintendent. The pump shall be owned and maintained by the property owner.

Section 609 – Building Lateral Pipe Installation

All excavations required for the installation of a Building Lateral shall be open trench work unless otherwise approved by the Superintendent and shall be in accordance with the Village Sewerage system standard details or as approved by the Superintendent.

Section 610 A - Watertight Joints

All joints and connections shall be made watertight.

Section 611 - Building Lateral/STEP System Connection

- 1) The connection of the Building Lateral to STEP system shall be made at the Grease Trap or Septic Tank.
- 2) The property owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the connection of the Building Lateral.
- 3) It shall be the responsibility of the property owner to maintain, repair, or replace the Building Lateral, as needed.

Section 612 - Testing

The street lateral, Building Lateral, or the combined lateral shall be tested for infiltration/exfiltration by a suitable method, with the prior written approval of the Superintendent.

Section 613 A - Connection Inspection

The Applicant for the sewer connection permit shall notify the Superintendent when the Sewer Lateral is ready for inspection and connection is to be made to the Force Main. The connection shall be made under the supervision of the Superintendent.

Section 613 B - Trench Inspections

When trenches are excavated for the laying of Sewer Lateral pipes or for laying of Building 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 Sewer Lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Superintendent.

Section 614 - Public Safety Provisions & Restoration of Disturbed Areas for New Sewers

All excavations for extending the sewers beyond Phase One 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 and complete road and shoulder restoration to the Village Standards. The cost for such final road and shoulder restoration for expansion of the Sewerage system beyond Phase One shall be borne by the New Users.

Section 615 - Interior Clean-Out

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

The cleanout diameter shall be no less than the Building Lateral diameter.

Section 616 - Costs Borne by Owner

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Village or as identified in Section 617 and 501 herein. The property owner shall indemnify the Village from any loss or damage that may be directly or indirectly occasioned by the installation of the STEP system, connections and appurtenances. Owner shall be responsible for the electrical costs to operate the STEP pumps. Owner shall be responsible for repairs by the Village to the system for improper use or negligence. Owner shall be responsible for paying the sewer use charge as established by the Village Board.

Phase One: The Owner shall be responsible for any internal changes to the building plumbing to permit proper connection to the new STEP system. In the case of a restaurant or other FOG generating entity, this will include separating the FOG laden piping from the waste stream and allowing the installation of a Grease Trap on that line. The need for a Grease Trap shall be determined by the Superintendent. The sizing of the Grease Trap shall be determined by the Village Engineer. The Village will pay for any Grease Trap required due to the current use of the building. If the use of the building changes in the future such that a Grease Trap, larger Septic Tank, or larger Grease Trap is required for the change of use, then all costs associated with such a change shall be the Owner's responsibility. The Owner shall allow the Village to connect to an existing electric panel in the building to provide power to the STEP system. The Village will install a circuit breaker in the panel or modify it to allow the connection of a subpanel to the panel for a circuit breaker. The Village will run the power circuit from the breaker installed to the STEP control panel.

Future Phases: All costs associated with furnishing and installing Septic Tanks, effluent pumps, electrical services, Grease Traps, connecting buildings to the Septic Tanks, and connecting the STEP pump to control panel and the STEP Force Main shall be borne by the Owner. The cost for abandoning the existing Wastewater treatment components shall be borne by the Owner. See also Section 501 above.

Section 617 - Costs Borne by the Village

The costs for maintaining and operating the POTW including pumping the Septic Tanks and Grease Traps shall be borne by the Village. The cost to replace the STEP pumps shall be borne by the Village except as provided in Section 616 above.

Phase One: All costs associated with furnishing and installing Septic Tanks, effluent pumps, Grease Traps, connecting buildings to the Septic Tanks (or Grease Traps), and connecting the STEP pump to the control panel and STEP Force Main shall be borne by the Village. The cost for abandoning the existing Wastewater treatment components shall be borne by the Owner, except when their location interferes with the construction of the STEP system, in which case they will be abandoned by the Village to the extent necessary. The Village shall not be liable for costs due to damage of existing system components.

Future Phases: All cost associated with extending the STEP Force Main to serve the property shall be borne by the Village. The Village shall determine the route and location where the STEP Force Main extension will terminate. See also Section 501 & 502 above.

Article 7

Inflow

Section 701 - New Inflow Sources Prohibited

Section 702 - Existing Inflow Sources Disconnected

Section 703 - Existing Inflow Sources Disconnected When Property Sold

Section 704 - No Re-connection of Inflow Source Allowed

Section 705 - Charges for Inflow

Section 701 - New Inflow Sources Prohibited

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

Section 702 - Existing Inflow Sources Disconnected

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

Section 703 - Existing Inflow Sources Disconnected When Property Sold

The Superintendent shall inspect any newly sold property for the purpose of determining if Storm Sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.

Section 704 - No Re-connection of Inflow Source Allowed

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

Section 705 - Charges for Inflow

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

ARTICLE 8

Trucked Or Hauled Waste

Section 801 – Septic Tank Waste Licenses and Application

Section 802 - Notification of Dumping

Section 801 - Septic Tank Waste Licenses and Application

The discharge of trucked or hauled wastes into the Village sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Superintendent. The application shall be accompanied by a fee per the Village Sewerage system fee schedule. The licensee of trucked or hauled wastes will also be charged a fee for each dumping, in accordance with Article 12. The dumping fee shall be paid prior to dumping.

Section 802 - Concurrent Requirements

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

Article 9

Discharge Restrictions

Section 901 - Pretreatment Standards

Section 902 - General Prohibitions

Section 903 - Modification of Limitations

Section 904 - Access to User's Records

Section 905 - Dilution

Section 906 - Grease, Oil, and Sand Interceptors

Section 907 - Rejection of Wastewater

Section 901 - Pretreatment Standards

All Users of the Village POTW will comply with all standards and requirements of current Federal, State, and local regulations.

Section 902 - General Prohibitions

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

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

- 1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Village, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.
- 2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the POTW. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.
- 3) Any Wastewater having a pH less than 5.0 or greater than 10.0.
- 4) Any Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act or current regulatory standards
- 5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with Other Wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

- 6) Oils and grease - Any commercial, institutional, or Industrial Wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.
- 7) Any Wastewater which will cause interference or pass through.
- 8) Any Wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
- 9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.
- 10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- 11) Any Wastewater containing any radioactive wastes except as approved by the Superintendent, and in compliance with applicable State and Federal regulations.
- 12) Any Wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with Other Wastes.
- 13) Any Wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21 or current standards.
- 14) Any Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

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 % safety factor to be protective of the POTW.

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.

Section 903 - Modification of Limitations

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.

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

Section 904 - Access to User's Records

The Superintendent shall have the authority to copy any record related to Wastewater discharges to the POTW.

Section 905 - Dilution

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

Section 906 - Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Superintendent, they are necessary for the proper handling of Wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Village.

Section 907 - Rejection of Wastewater

The Village Board may reject a User's Wastewater, on recommendation of the Superintendent, when it is has been determined that the Wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See Section 1016 herein.

Article 10

Discharge Permits And Pretreatment Requirements

Section 1001 - Wastewater Discharge Reports

Section 1002 - Notification to Industrial Users

Section 1003 A - Wastewater Discharges

Section 1003 B - Wastewater Discharge Permits Required For Significant Industrial Users

Section 1003 C - Other Industrial Users

Section 1003 D - Discharge Permits to Storm Sewers Not Authorized
Section 1004 A - Application for Wastewater Discharge Permits
Section 1004 B - Permit Modifications
Section 1004 C - Permit Conditions
Section 1004 D - Permit Duration
Section 1004 E - Permit Reissuance
Section 1004 F - Permit Transfer
Section 1004 G - Permit Revocation
Section 1004 H - Public Notification
Section 1005 - Reporting Requirements for Permittee
Section 1006 - Flow Equalization
Section 1007 - Monitoring Stations (Control Manholes)
Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations
Section 1009 - Vandalism, Tampering with Measuring Devices
Section 1010 - Sampling and Analysis
Section 1011 - Accidental Discharges; SPCC Plan
Section 1012 - Posting Notices
Section 1013 - Sample Splitting
Section 1014 - Public Access to Information Maintained by the Superintendent
Section 1015 A - Access to Property and Records
Section 1015 B - Access to Easements
Section 1015 C - Liability of Property Owner
Section 1016 - Special Agreements

Section 1001 - Wastewater Discharge Reports

As a means of determining compliance with this Chapter, with applicable SPDES 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. All information shall be furnished by the User in complete cooperation with the Superintendent.

Section 1002 - Notification to Industrial Users

The Superintendent shall, from time to time, notify each Industrial User of current applicable Pretreatment Standards, and of other applicable requirements under current Federal, State, or local standards.

Section 1003 A - Wastewater Discharges

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

Section 1003 B - Wastewater Discharge Permits Required For Significant Industrial Users

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. Existing Significant Industrial Users shall make application for a Wastewater Discharge Permit within 30 days after the effective date of this Chapter, and shall obtain such a permit within 90 days after making application.

Section 1003 C - Other Industrial Users

The Superintendent may issue Wastewater Discharge Permits to other Industrial Users of the POTW.

Section 1003 D - Discharge Permits to Storm Sewers Not Authorized

The Village does not have the authority to issue permits for the discharge of any Wastewater to a Storm Sewer. This authority rests with the NYSDEC.

Section 1004 A - Application for Wastewater Discharge Permits

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Superintendent an application in the form prescribed by the Village, the application shall be accompanied by a fee, as set forth in Section 1203 herein. In support of any application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- 1) Name, address, and location (if different from the address).
- 2) SIC code of both the industry and any categorical processes.
- 3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 10 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.
- 4) Time and duration of the discharge.
- 5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- 6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- 7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- 8) Each product produced by type, amount, process or processes, and rate of production.
- 9) Type and amount of raw materials processed (average and maximum per day).
- 10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- 11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet all applicable Standards.
- 12) If additional pretreatment and/or O&M will be required to meet the Standards, then the Industrial User shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the

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

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

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

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

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

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.

Section 1004 B - Permit Modifications

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

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

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

Section 1004 C - Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Chapter, and all other applicable regulations, User charges and fees established by the Village Board. Permits may contain the following:

- 1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
- 2) Limits on the average and maximum Wastewater constituents and characteristics, including concentration or mass discharge limits.
- 3) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
- 4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- 5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- 6) Compliance schedules
- 7) Requirements for submission of technical reports or discharge reports.
- 8) Requirements for maintaining and retaining plant records relating to Wastewater discharge, as specified by the Village Board, and affording the Superintendent access thereto.
- 9) 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.
- 10) Requirements for the notification of the Village of any change in the manufacturing and/or pretreatment process used by the permittee.
- 11) Requirements for notification of excessive, accidental, or slug discharges.
- 12) Other conditions as deemed appropriate by the Village to ensure compliance with this Chapter, and State and Federal laws, rules, and regulations.

Section 1004 D - Permit Duration

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

Section 1004 E - Permit Reissuance

The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a) above.

Section 1004 F - Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a New Owner, New User, different premises, or a new or changed operation.

Section 1004 G - Permit Revocation

Wastewater Discharge Permits may be revoked for, but not limited to, the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the

Superintendent timely access to the Industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay User charges, and failure to meet compliance schedules.

Section 1004 H - Public Notification

The Village will publish in the Village official daily newspaper(s), informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

Section 1005 - Reporting Requirements for Permittee

The reports or documents required to be submitted or maintained under this section shall be subject to the following requirements or current standards:

- (a) The provisions of 18 USC Section 1001 relating to fraud and false statements;
- (b) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (c) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.

1) Baseline Monitoring Report

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

2) 90-Day Compliance Report

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

3) Periodic Compliance Reports

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

(b) The Superintendent may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (3) (a) above shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analysis shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

4) Violation Report

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

5) Other reports

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

Section 1006 - Flow Equalization

No Person shall cause the discharge of slugs to the POTW. Each Person discharging, into the POTW, greater than five percent (5%) of the average daily flow in the POTW, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A Wastewater Discharge Permit may be issued solely for flow equalization.

Section 1007 - Monitoring Stations (Control Manholes)

- 1) All Significant Industrial Users, and other Industrial Users whose Industrial Waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their Industrial Wastewater discharge.
- 2.) If there is more than one Sewer Lateral serving an Industrial User, the Superintendent may require the installation of a monitoring station on each Sewer Lateral.
- 3.) 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 immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any Wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this 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.

Section 1009 - Vandalism, Tampering with Measuring Devices

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

- i - any structure, appurtenance, or equipment which is a part of the Village POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Chapter except as approved by the Superintendent.

Section 1010 - Sampling and Analysis

Sampling shall be performed so that a representative portion of the Wastewater is obtained for analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Chapter shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007 above, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the Industrial Sewer Lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of Industrial Wastewater discharge during daily operations (including any cleanup shift).

Section 1011 - Accidental Discharges; SPCC Plan

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 Industrial 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.

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 five (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. 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:

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

Section 1012 - Posting Notices

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

Section 1013 - Sample Splitting

When so requested in advance by an Industrial User, and when taking a sample of Industrial Wastewater, the Village representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the representative of the Industrial User whose wastewater was sampled, and the other portion shall be retained by the Village for its own analysis.

Section 1014 - Public Access to Information Maintained by the Superintendent

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

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Chapter, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and

Regulations. The Superintendent shall provide written notice to the Industrial User of any disclosure of confidential information to another governmental agency.

Section 1015 A - Access to Property and Records

The Superintendent and other authorized representatives of the Village, representatives of EPA, NYSDEC, NYSDOH, and/or Dutchess County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a User's compliance with applicable provisions of Federal and State law governing use of the Village POTW, and with the provisions of this Chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this 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, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 1015 B - Access to Easements

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

Section 1015 C - Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1015 A and 1015 B above, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

Section 1016 - Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the 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 SPDES Permit
- 4) interfere with any Purpose stated in Section 102 above
- 5) prevent the equitable compensation to the Village for Wastewater conveyance and treatment, and sludge management and disposal

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

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

Article 11

Enforcement And Penalties

Administrative Remedies

Section 1101 - Notification of Violation

Section 1102 - Consent Orders

Section 1103 - Administrative or Compliance Orders

Section 1104 - Administrative Fines

Section 1105 - Cease and Desist Orders

Section 1106 - Termination of Permit

Section 1107 - Water Supply Severance

Section 1108 - Show Cause Hearing

Section 1109 - Failure of User to Petition the Superintendent

Section 1110 - Notice

Section 1111 - Right to Choose Multiple Remedies

Judicial Remedies

Section 1112 - Civil Actions for Penalties

Section 1113 - Court Orders

Section 1114 - Criminal Penalties

Section 1115 - Injunctive Relief

Section 1116 - Summary Abatement

Miscellaneous

Section 1117 - Delinquent Payments

Section 1118 - Performance Bonds

Section 1119 - Liability Insurance

Section 1120 - Informant Rewards

Section 1121 - Contractor Listings

Administrative Remedies

Section 1101 - Notification of Violation

Whenever the Superintendent finds that any User has violated or is violating this Chapter, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Chapter, the Superintendent or his designee may serve upon such User a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions, shall be submitted by the User to the Superintendent. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Article shall limit the authority of the Superintendent to take any action, including emergency action, or any other enforcement action, without first issuing a notice of violation.

Section 1102 - Consent Orders

The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Such documents shall have the same force and effect as an administrative order issued pursuant to Article 1103 of this Chapter and shall be judicially enforceable.

Section 1103 - Administrative or Compliance Orders

When the Superintendent finds that a User has violated or continues to violate this Chapter or a Wastewater Discharge Permit or order issued under this Chapter, he may issue an administrative order to the User responsible for the discharge directing that, the User come into compliance within seven days or a shorter period when, in the Superintendent's discretion, same is required. If the User does not come into compliance within said period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. An administrative order does not extend the deadline for compliance established of a pretreatment standard or requirement, nor does an administrative order release the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the User.

The User may, within fifteen (15) calendar days of receipt of such order, 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 shall then:

- 1) Reject any frivolous petitions,
- 2) Modify or suspend the order, or
- 3) Order the petitioner to show cause in accordance with Section 1108 herein and may as part of the show cause notice request the User to supply additional information.

Section 1104 - Administrative Fines

Notwithstanding any other section of this Chapter, any User who is found to have violated any provision of this Chapter, or a Wastewater Discharge Permit or order issued hereunder or any

other pretreatment standard or requirement, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation per day. Each day that a violation occurs shall be considered a separate violation. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Assessments may be added to the User's next scheduled sewer service charge and the superintendent shall have such other collection remedies as may be available for other service charges and fees.

Unpaid charges, fines and penalties shall, after 30 calendar days, be assess an additional penalty of 2% of the unpaid balance, and the interest shall accrue thereafter at a rate of 9% per annum. A lien against the User's property may be sought for unpaid charges, fines, and penalties.

The User may, within fifteen (15) calendar days of notification of the Superintendent's 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 shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with Section 1108 herein and may as part of the show cause notice request the User to supply additional information.

Issuance of an administrative fine shall not be a prerequisite for taking any other action against the User. Issuance of an administrative fine shall not preclude any other enforcement action.

Section 1105 - Cease and Desist Orders

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

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

The User may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, 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 shall then:

- (a) Reject any frivolous petitions,
- (b) Modify or suspend the order,
- (c) Order the petitioner to show cause in accordance with Section 1108 herein and may as part of the show cause notice request the User to supply additional information.

Section 1106 - Termination of Permit

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

- 1) Violation of Wastewater Discharge Permit conditions or conditions of an administrative order.
- 2) Failure to accurately report the wastewater constituents and characteristics of its discharge.

- 3) Failure to report significant changes in operations or wastewater constituents and characteristics,
- 4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- 5) Failure to pay administrative fines, fees or User charges. Non-compliant Industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of the date the Superintendent mails 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 shall then:

- 1) Reject any frivolous petitions
- 2) Order the petitioner to show cause in accordance with Section 1108 herein and may as part of the show cause notice request the User to supply additional information. Termination of Permit shall not be a bar to or a prerequisite for taking any other action against the User.

Section 1107 - Water Supply Severance

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

The User may, within fifteen (15) calendar days of severance, 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 shall then:

- 1) Reject any frivolous petitions,
- 2) Reconnect the water supply, or
- 3) Order the petitioner to show cause in accordance with Section 1108 herein and may as part of the show cause notice request the User to supply additional information.

Section 1108 - Show Cause Hearing

The Superintendent may order any User which has violated or continues to violate this Chapter, a Wastewater Discharge Permit or order issued under this Chapter to show cause, before the Superintendent, why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) calendar days before the hearing . Service shall be made on any authorized representative of the User. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the User and the issuance of same shall not preclude any other action while resolution of the show cause order is pending.

Section 1109 - Failure of User to Petition the Superintendent

In the event the Superintendent issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the 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.

Section 1110 - Notice

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 transmission lines to the Village's POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Village Hall.

Section 1111 - Right to Choose Multiple Remedies 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.

Judicial Remedies

Section 1112 - Civil Actions For Penalties Any person who violates any of the provisions of or who fails to perform any duty imposed by this Chapter, any order or determination of the Superintendent promulgated under this Chapter, or the terms of any Wastewater Discharge Permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed one thousand dollars (\$1,000) for each such violation. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village attorney, or designated attorney, at the request of the Superintendent in the name of the Village, in any court of competent jurisdiction giving preference to courts local to the Village. In addition to the above described penalty, the Superintendent may recover all damages incurred by the Village from any persons or Users who violate any provisions of this Chapter, or who fail to perform any duties imposed by this Chapter or any administrative order or determination of the Superintendent promulgated under this Chapter, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Village in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

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

Such civil penalty may be released or compromised by the 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. Filing a suit for civil penalties shall not be a bar to or a prerequisite for taking any other action against the User.

Section 1113 - Court Orders

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 this Article, to seek an order:

- 1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit, or
- 2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Village attorney, at the request of the Superintendent, in the name of the Village, in any court of competent jurisdiction.

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.

Section 1114 - Criminal Penalties

Any User who willfully or with criminal negligence violates any provision of this Chapter or any final determination or order of the Superintendent made in accordance with this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed six months, or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter may subject to criminal charge and, upon conviction, be subject to a sentence of imprisonment or fine, or both.

Section 1115 - Additional Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Chapter or permit or order issued hereunder, the Superintendent, through counsel may petition the Court, in the name of the Village, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Superintendent.

Section 1116 - Summary Abatement

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 judgement 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.

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

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

Miscellaneous

Section 1117 - Delinquent Payments

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

In the event that there are any sewer rents, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of February 15 of any year, the Superintendent shall report the names of the defaulting persons to the Village of Red Hook Mayor the Village Clerk, and the Village Treasurer on or before February 15 of the same year.

The Village Treasurer is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Chapter, to the real property taxes due and owing to Village in the next succeeding year, and the Village Treasurer is directed to collect the same in the same manner as real property taxes due and owing to the Village of Red Hook are collected.

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

Section 1118 - Performance Bonds

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

Section 1119 - Liability Insurance

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

Section 1120 - Informant Rewards

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

Section 1121 - Contractor Listings

- 1) Users which have not achieved consistent compliance with applicable Pretreatment Standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village.
- 2) Existing contracts for the sale of goods or services to the Village held by a User found to be in significant violation with Pretreatment Standards may be terminated at the discretion of the Village Board.

Article 12

Charges

- Section 1201 - Normal Sewage Service Charges
- Section 1202 - Surcharge for Abnormal Sewage
- Section 1203 - Total Sewer Service Charge
- Section 1204 - Segmenting the POTW
- Section 1205 - Measurement of Flow / Basis for Rates
- Section 1206 - Billing Period
- Section 1207 - Pretreatment Program Costs
- Section 1208 - Charges for Trucked and Hauled Wastes
- Section 1209 - Capital Recovery
- Section 1210 - Collection of Charges
- Section 1211 - Fiscal Year for System
- Section 1212 - Use of Revenues
- Section 1213 - Records and Accounts

Section 1201 - Normal Sewage Service Charges

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

Section 1202 - Surcharge for Abnormal Sewage

All persons discharging or depositing wastes with concentrations in excess of the Pollutant concentrations in normal sewage shall pay a surcharge.

Section 1203 - Total Sewer Service Charge

The total sewer service charge, (which shall be called the "User Charge"), is based on typical single family home water use or a Benefit Unit (BU). The basis for the assessment is that a single-family residential property produces 150 gpd of wastewater. Properties listed in the Dutchess County Real Property Tax Rolls as single family parcels are equal to 1.0 Benefit Units (BU).

The following criteria will be used to determine the BU count for each parcel.

BU-1 Developed Properties – One BU for each EDU (150 gpd)

BU-2 Undeveloped Properties – 10% of one BU

BU-3 Red Hook Commons Phase 1 and 2 – Fixed rate based on sale agreement

BU-4 Red Hook Commons Phase 3 Developed – per sales agreement properties pay annual O&M cost per BU assessment.

BU-5 Red Hook Commons Phase 3 Undeveloped – will be assessed zero BU.

BU-6 WWTP Property (1 property) – property owned by the Village where the WWTP is located will be assessed zero BU.

BU-7 Village Properties Outside the Service Area will not be assessed any BU.

Vacant non-residential parcels, and any undeveloped portion of developed nonresidential parcels, will be assessed vacant benefit units on the basis of the projected average daily flow for the non-residential development allowed on the parcel.

Section 1204 - Segmenting the POTW

The service area of the POTW may be segmented to assist in a fair distribution of User charges.

Section 1205 - Measurement of Flow/Basis for Rates

In addition to any and all fees and charges provided by law, the sewer rental charge shall be based on the quantity of water used on or in the property or premises as shown by the records of the Village Water Department.

The rate of such sewer rental charge shall be established from time to time by resolution of the Board of Trustees after a public hearing upon five days' public notice.

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village Water Department. In the event that a Person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a Person discharging wastes into the POTW procures all or part of his water supply from un-metered

sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

Section 1206 - Billing Period

The Billing Period shall be quarterly in tandem with the water billing.

Section 1207 - Pretreatment Program Costs

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

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

Section 1208 - Charges for Trucked and Hauled Wastes

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

Section 1209 - Capital Recovery

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

Section 1210 - Collection of Charges

Provisions of Article 11 of this Chapter relating to the collection of penalties shall apply to the collection of Sewer Rents and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of this Chapter by the Village.

Section 1211 - Fiscal Year for System

The POTW shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.

Section 1212 - Use of Revenues

Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the “Sewer Rent Fund” which shall be administered as provided in §453 of the General Municipal Law of the State of New York.

Section 1213 - Records and Accounts

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

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

Classification of old and new Industrial Users should also be reviewed annually.

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

Article 13

Public Disclosure Of POTW Operations

Section 1301- POTW Operations Open to the Public

Section 1302- Procedural Requirements Available

Section 1303- Validity Through Public Inspection

Section 1301- POTW Operations Open to the Public

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

Section 1302- Procedural Requirements Available

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

Section 1303- Validity Through Public Inspection

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

Article 14

Conflicts, Severability, Effective Date And Applicability

Section 1401- Conflicts

Section 1402- Severability

Section 1403- Effective Date

Section 1401- Conflicts

The provisions of any Village law in conflict with any provision of this Chapter are hereby repealed.

Section 1402- Severability

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.

Section 1403- Effective Date

This Chapter shall take effect upon its filing in the office of the Secretary of State.