

Local Law # 2 of the year 2002
SEWER USE LAW
Applicable To the Sewer Service Area Served
By The Tannersville Wastewater Treatment Plant
In The Town Of Hunter

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ARTICLE I

SHORT TITLE AND PURPOSE

Section 101 - Short Title

For brevity and ease of communication, this Law may be cited as the Town of Hunter Sewer Use Law.

Section 102 - General Purpose

The general purpose of this Law is the following:

To provide for efficient, economic, environmentally safe, and legal operation of the Tannersville Publicly Owned Treatment Works (P07149 and its sewage collection system).

Section 103 - Specific Purposes

The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the Tannersville P071/V that will:

- (a) Interfere with the P07W in any way,
- (b) Pass through the P07W into the State's waters and cause contravention of standards for those waters or cause violation of the POTWS SPDES permit,
- (c) Increase the cost or hamper the disposal of P07 sludge and/or other residuals,
- (d) Endanger employees responsible for the operation, maintenance, and repair of the P07W,
- (e) Cause air pollution, or groundwater pollution, directly or indirectly, or
- (f) Cause, directly or indirectly, any public nuisance condition.

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

- (3) To assure that new sewer connections are properly constructed.

Section 104 - Applicability of Sewer Use Law

This Law shall apply only to areas in the Town that are currently served by the Tannersville WWTP'S Sewage Collection System and to areas that will be connected to the sewer collection system in the future.

Section 105 - Replacement of Previous Sewer Use Law or Ordinance

The provisions of the Town's existing sewer use ordinance are hereby repealed and said provisions are replaced by the herein set forth Articles I through 12.

ARTICLE 2

DEFINITIONS

Section 201 - Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this Law, shall is mandatory; may is permissive.

Tannersville Wastewater Treatment Plant (WWTP) - A City-Owned wastewater treatment plant that, with its sewage collection system, comprises a part of the P07W for purposes of this Law, all references to discharges to the Tannersville WVVTP shall include discharges to its sewage collection system as well except where specifically stated otherwise.

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

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

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

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

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

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

Approved Laboratory Procedure - The procedures defined as 'Standard Methods' in this article, or other procedures approved by the NYCDEP for flow measurement or

determination of the concentration of pollutants or their surrogates in waters, wastewater, and/or sludge.

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

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

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
- (3) 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.

Available Capacity of POTW (City-owned WWTP) - Difference between the POTW'S capacity and the average daily flows that the P071/V treats.

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 Inspector - Individual (or their authorized representative) appointed by the Town Board who is responsible for inspecting construction activities in the Town of Hunter and for issuing building permits and certificates of occupancy in the Town. The Building Inspector is the person with the overall responsibility for enforcing the Town of Hunter Sewer Use Law. He/she is also responsible for receiving applications for the construction of new laterals (and their sewer connections) and for submitting them to NYCDEP for approval.

Building Lateral - The portion of a lateral that extends from the property line (or theoretical curb-cut) up to the foundation of the structure being served by the sewer system.

Capacity of POTW (including City-Owned WWTP) - The maximum amount of waste water flow (in gal. per day) that a POTW can effectively treat. This is the same as the POTW'S design flow permitted under its SPDES Permit.

Categorical Industrial User - See User, Categorical Industrial

Chlorine Demand - The result obtained when using an approved laboratory procedure to determine the difference between the amounts 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.

City of New York's Water Supply - The New York City public water supply system includes all water courses, wetlands, reservoirs, reservoir stems and controlled lakes

tributary thereto that are within the City's watershed areas and which provide drinking water to New York City residents and other specified communities along the water system's aqueducts.

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 a structure with plumbing to a lateral.

Control Authority - The term shall refer to "Approval Authority" or to the Building Inspector when the Town has an approved pretreatment program under the provisions of 40 CFR 403.11.

Control Manhole - A manhole accessible to wastewater treatment plant and/or sewer system personnel such that samples collected from the manhole represent the flow to the POTW from a specific source.

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

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

Developer - Any person who subdivides and/or acquires land for the purpose of constructing, or causing 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.)

District Engineer - Employee(s) of New York City Department of Environmental Protection (NYCDEP) responsible for the overall operation and maintenance of City-owned wastewater treatment plants and sewage collection systems in the New York City Watershed.

Domestic Wastes - See Sewage, Domestic.

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

End of Pipe - For the purpose of determining compliance with limitations prescribed by Article 9 (Discharge Restrictions), 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.

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

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

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

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

Inflow-Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, 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,

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) therefore is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations):
 - (a) Section 405 of the Clean Water Act,
 - (b) 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),
 - (c) Clean Air Act,
 - (d) Toxic Substance Control Act, and
 - (e) Marine Protection Research and Sanctuaries Act.

Lateral -Pipe or conduit that goes from the sewer main up to the foundation of a structure with plumbing that is used to transmit sewage from the structure to the sewer collection system.

National Categorical Pretreatment Standard- or Categorical Standard 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- Individual or entity who/that purchased property within the Service Area of the Tannersville WWTP after the effective date of this law.

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

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

New York City Department of Environmental Protection(NYCDEP) - An agency of the City of New York that is involved principally with water supply and environmental

protection activities, including watershed protection activities, in both New York City proper and the Cities East and West of Hudson Watershed areas. NYCDEP owns and operates the Tannersville Wastewater Treatment Plant and certain parts of the sewer system serving that plant in the Town of Hunter.

NYC Rules and Regulations- Rules and Regulations For the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, 10 NYCRR Part 128, 18 RCNY Chapter 18, as the same may be amended from time to time.

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 wastewater treatment and sewage collection system.

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 POT1/V, purchased prior to the effective date of this Law, or who inherited the property at any time and intends to sell the property, or has sold the property to a new owner; also the agent of the old owner.

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

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

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

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

pH-The logarithm (base 10) of the reciprocal of the weight of 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.

(POTW)Publicly Owned Treatment Works- A treatment works, as defined by Section 212 of the Act, (33 U.S. C 1292). 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. For the purposes of this Law, the Tannersville Wastewater Treatment Plant and its sewage collection system are considered the POTW.

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

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 other wise introducing such pollutants into a wastewater treatment and sewage collection system. 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 a/I particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (%) inch in any dimension.

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

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

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

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

Septic Tank- A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any local, State, and New York City requirements.

Service Area of the Tannersville WWTP-Area within which structures with plumbing are required to discharge waste water into the sewer system of the Tannersville WWTP or are eligible to discharge Waste water into the sewer system pending application, and approval by NYCDEP, for a service connection. The boundaries of the service area are set forth on the map entitled, “Tannersville Waste water Treatment Plant’s Sewer Collection System Service Area In The Town Of Hunter”, dated I k’ 2002, and as maybe amended from time to time, annexed hereto as Appendix A.

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 Collection System-All facilities used for collecting, regulating, pumping, and transporting sewage to a wastewater treatment plant, in this case the Tannersville WWTP.

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

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

- (1) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (2) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (3) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.
- (4) Ammonia 250 lbs. per million gallons (30 milligrams per liter), or less.
- (5) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (6) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (7) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less
- (8) 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, 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 used for carrying or transporting sewage to a wastewater treatment plant.

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 to its use.

Sewer, Sanitary- A sewer which carries sewage, and to which storm, surface, and ground water 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- All facilities for collecting, regulating, pumping, and transporting wastewater to and a way from the POTW treatment plant.

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:

- (1) 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;
- (2) 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 m by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the NYCDEP 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);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Building inspector exercise of its emergency authority under Article 9 “Enforcement and Penalties” of this Law;
- (5) Failure to meet, within 90 days after the schedule date, a compliance for starting construction, completing construction, or attaining final compliance
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to report accurately any non-compliance;

- (8) Any discharge of storm water in to house laterals or directly into sewer mains; and
- (9) Any other violation which the Building inspector (or NYCDEP in cases where the Town Board has delegated enforcement authority to the City) 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 NYCDEP, whichever is the most conservative.

State -State of New York.

State Pollution Discharge Elimination System (SPDES) Permit-Permit issued by the New York State Department of Environmental Conservation regulating the discharge of pollutants from new or existing outlets or point sources into the waters of the State.

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 there from.

Street Lateral -The portion of a lateral that extends from the sewer main to the property line (or theoretical curb-cut).

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

Sump Pump- A machine used for removing standing water from one location and disposing it elsewhere.

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.

Tannersville WWTP- The wastewater treatment plant owned and operated by the City of New York that treats and disposes wastewater flows from the treatment plant’s sewage collection system.

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

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

Town- the Town of Hunter an incorporated municipality of the State of New York.

Toxic Substances- Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to the POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Toxic substances shall include, without limitation, 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, Categorical Industrial (CIU)-An industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter!, Subchapter N.

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

User, industrial -A discharger to the POTW who discharges non-domestic wastewater.

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

User, Significant industrial (SIU) - An industrial user of the POTW who is:

- (1) A CIU; or
- (2) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater) to the POTW; or
- (3) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that contributes a process waste stream which makes up 5 percent or more average dry weather hydraulic or organic capacity of the POTW; or
- (4) Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW'S operation or for violating a pretreatment standard or requirement.

Wastewater- The liquid and water-carried industrial or domestic wastewater from dwellings, commercial establishments, industrial facilities, and institutions, which is permitted to enter the POTW

Wastewater Discharge Permit -A permit that is granted that allows a connection to be made to the sewer collection system.

Wastewater Treatment and Sewage Collection System -Wastewater treatment plant and any sewers, laterals, and other appurtenances that transport wastewater to the treatment plant.

Wastewater Treatment Plant (WWTP-) that portion of a wastewater treatment and sewage collection system, in this case, the Tannersville WWTP owned and operated by the City of New York, designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

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

Watershed (York City Watershed-) The drainage basins of the Catskill, Delaware and Croton Systems. Maps of the Watershed are located at various offices within NYCDEP.

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
BOO	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CPLR	-	Code of Public Law and Rules
COO	-	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
NYCDEP	-	New York City Department of Environmental Protection
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

- PPM - Parts per Million, weight basis
- S/C - Standard Industrial Classification
- SPDES - State Pollutant Discharge Elimination System
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq
- TSS - Total Suspended Solids
- USC - United State Code of Laws
- WWTP - Wastewater Treatment Plant

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

WASTE WATER DISPOSAL LIMITATIONS AND REQUIREMENTS

Section 301 Domestic Sewage Disposal on Ground Surface Unlawful

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 a - Connecting Private Sewage System to Storm Drain Unlawful

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

Section 302 B – Storm water Discharge Into Sewer System Prohibited

It shall be unlawful to discharge any storm water (including from within or outside of a private residence or other structures) into the Tannersville WWTTP'S Sewer System.

Section 303 - Discharge of Sewage into Well Prohibited

No person shall discharge sewage into a well.

Section 304 - Waste water Discharge Unlawful

It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

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, modified, or expansion of existing dwelling or structure requiring sanitary facilities unless a suitable and approved method of waste water disposal, conform The to this Law,

is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers or other approved system for waste water treatment.

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 within the service area of the POTW.

Section 307 - Future Connection to Public Sewer Required

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, that abut any street, alley, or right-of-way under which there is located a public sewer, shall connect such facilities directly with the proper public sewer, subject to NYCDEP review and approval, in accordance with the provisions of this Law, within ninety (90) days after the Building Inspector provides notice to do so, provided that the structure is within one hundred (100) feet from that portion of the road under which the sewer is located and there is adequate capacity to treat the added wastewater flows at the Tannersville WWTP, except as otherwise provided in any agreement between the City and the Town. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main. NYCDEP is not obligated to approve the connection of existing and new structures located beyond 100 ft. from the road where the sewer main is located. In the event there is insufficient capacity at the Tannersville WWTP to handle additional flows, the property owner(s) may apply for construction of an on-site septic system pursuant to applicable law including the NYC Watershed Rules and Regulations.

Section 308- Limitation on Use of Public Sewers

The use of 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 service area of any POTW.

Section 309- Wastewater from outside the POTW service Area and Inter-municipal Agreements

The NYCDEP shall have the authority to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the a Tannersville WWTP. The prior written approval of the NYCDEP shall be required before any such sewage or wastes is so accepted.

Municipalities outside of the Town of Hunter and Village of Tannersville that transport sewage for disposal to the Tannersville WWTP shall be required to enact a Sewer Use Law at least as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law. If the Tannersville WWTP accepts waste water from a private individual, the acceptance shall be made only upon the granting of a permit by the NYCDEP that sets forth the terms and conditions of such acceptance.

Section 310- Moratorium

If the NYCDEP determines that:

- (1) One or more segments of the POTW or treatment plant is exceeding its hydraulic capacity at any time; and/or
- (2) Any specific purpose of this Law is being violated.

It shall have the authority to limit or deny new connections to the POTW or treatment plant until the conditions leading to the moratorium are corrected. Such correction may be, but are not limited to:

- (1) Construction of new facilities;
- (2) Enlarging existing facilities;
- (3) Correction of inflow and infiltration; and
- (4) Cleaning and repairing of existing facilities.

In cases where the landowner is denied a permit to install a lateral to a new structure because the additional flows exceed the Tannersville WWPT'S capacity, the property owner(s) may apply for construction of an on-sit septic system pursuant to applicable law including the NYC Watershed Rules and Regulations.

They City's responsibility to implement such correction is limited to its obligations under any applicable written agreements with the municipality and/or the NYC Administrative Code and shall not be affected by the terms of this Law.

Section 311 - Basis of Sewer Use Requirement

All requirements, directives, end orders calling for mandatory use of the sewers, within the service area of the Tannersville WWTP, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town, In consultation with NYCDEP as appropriate

Section 312- Connection New Sewers Required

At such time that a new sewer becomes available to a property with a existing structure (with plumbing) located within 100 ft from that portion of the road under which the new main is located, a direct connection to the sewer shall be required, subject to NYCDEP review and approval, and any cesspool, septic tank, and similar wastewater disposal facilities shall be disconnected and cleaned of septage by a licensed septage hauler, and either filled with clean sand, bank-nm gravel, or dirt, or removed and properly disposed of. Once the connection is made to the new sewer, the connection to the on-Site wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main.

Section 313 Required Connection to Sewer Mains Constructed Pursuant to the "Agreement Between the New York City Depepartment of Environmental Protection and the Town of Hunter For Sewer Extensions to the to Tannersville Waste water Treatment Plant Under the 1997 Watershed Memorandum of Agreement's (MOA) Sewer Extension Program (The "MOA Sewer Extension Program Agreement")

The Town shall require each owner of a residence or structure with plumbing, erected prior to the effective date of the MOA Sewer Extension Program Agreement between the Town and NYCOEP, to make a direct connection to new sewer mains' constricted pursuant to the MOA Sewer Extension Program Agreement if the property upon which such residence or structure Is situated abuts that portion of the road under which a sewer main ties been constructed, or is benefited by a right-of-way across property that abuts such a road, provided such residence or structure is situated no more than 250 feet from the centerline of such road, Each such owner shall connect such residence or structure to such new lateral constructed by New York City within ninety (90) days of the Town's

Building Inspector notifying them that the new sewer main end lateral to their residence or structure are fully operational.

The Town shall require, subject to NYCDEP review and approval, all residences and structures with plumbing constructed after (the effective date of the MOA Sewer Extension Program Agreement to connect to the sewer main if the property upon which such residence or structure is situated abuts that portion of the road under which a sewer main was constructed pursuant thereto, provided such residence or structure is situated no more than 100 feet from the edge of such road. NYCDEP shall render its determination within sixty (60) days from receiving an application for connection to a sewer main.

Any cesspool, septic tank, and similar waste water disposal facilities to be disconnected pursuant to this Section shall be cleaned of septage by a licensed septa hauler and either tilled with clean sand, bank-run gravel, or dirt, or removed and properly disposed of. Once the connection is made to the new sewer as provided for in this Section, the connection to the on-site waste water disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer.

Article 4

NEW SEWERS or SEWER EXTENSIONS

Section 401 - Proper Design

New sanitary sewers (including the replacement of existing sewer mains) and all extensions to sanitary sewers owned and operated by NYCDEP 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'9, and in strict conformance with a/I requirements of the NYSDEC. Before a private developer initiates the construction of any new sewer mains not funded by NYCDEP, plans and specifications shall be submitted to, and written approval shall be obtained from the NYS Department of Health, NYSDEC, and/or NYCDEP as applicable. The design shall anticipate and allow for flows from all possible future extensions or developments. All plans and specifications shall include flow estimates prepared by a licensed engineer. In addition, the design of any new sewer mains must employ the same construction standards and be compatible for tying into the existing Tannersville WWTP'S Sewer System.

Any proposed sanitary sewers and all extensions to sanitary sewers shall be subject to both the adequacy of downstream sewers to transmit wastewater flows without interruption to a POTW and to a POTW'S capacity to accept additional waste water flows. NYCDEP shall have the authority to determine whether any proposed sewer extensions or additions will be denied for inadequate capacity.

Requests for NYCDEP to construct new sewers and/or sewer additions to the sewer collection system served by the Tannersville WWTP shall be submitted to NYCDEP in writing by the Town for review and approval.

Section 402 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be in accordance with Section 401. All expenses associated with the construction of new sanitary sewers or extensions shall be

born by the property owner, builder, or developer. Each street lateral shall be installed and inspected pursuant to Article 5 herein, and inspection fees, if applicable, shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 403 herein, and in conformance with Paragraphs 3 through 6 of AS TM Specification C-I 2. The installation of the sewer shall be subject to periodic inspection by the Building Inspector, without prior notice. The Building Inspector shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 405 herein, before any building lateral is connected thereto. The Building Inspector shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Town Board until such construction inspections have been made so as to assure the Town Board of compliance with this Law and any amendments or additions thereto. The Building Inspector 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 Building Inspector shall report all findings of inspections and tests to the Town Board.

Section 402 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 Law, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 401, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Section 406. When requested, the applicant shall submit to the Building Inspector and to the other regulatory agencies, as applicable, a design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished upon request

Section 403 A - Sewer Pipe

(1) Sewer pipe material shall be:

- (a) Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.)

Portland cement shall conform to ASTM C- 150 Type II. The pipe and specials shall conform to ASTM Specification C-76. The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate. Entrained air shall be 5.0% to 9.0% by ASTM C-890 Water absorption and three-edge bearing tests shall conform to ASTM Specification C-497. Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C-302.

- (b) Cast Iron Pipe - Extra Heavy

Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A-74 or ANSI A-21. 11. Gaskets shall conform to ASTM Specification C-564.

- (c) Polyvinyl Chloride (PVC) Pipe - Heavy Wall

Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D- 1784 Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%).

ANSI/ASTM D3034 (4'- 15')

ASTM F679 TYPE! (18"—27')

(d) Ductile Iron Pipe

Pipe, fittings, and specials shall be manufactured in accordance with ASTM Specification A- 746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A-21. 11 and have a minimum pressure class rating of 150 PSI. All pipe and fittings shall be cement mortar lined in accordance with ANSI Specification A-21.4 at twice the specified thickness, and have an internal and external bituminous seal coating. Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

(e) Vitrified Clay Pipe - Extra strength

(Note that standard strength vitrified clay pipe shall not be used.)

Pipe shall conform to the current requirements of NCPI Specification ER 3300-67 and meet the requirements of ASTM Specification C 700.

(f) Acrylonitrile-Butadiene-Styrene (ABS) Pipe

Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

(g) Other pipe materials

Other pipe materials require prior written approval of the Building Inspector before being installed.

- (2) The minimum internal pipe diameter shall be eight (8) inches for gravity sewers and three (3) inches for low pressure sewers.
- (3) Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are used.
- (4) Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled joint, such that the requirements of Section 405 are met
- (5) Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.
- (6) Wye branch fittings, as approved by the Building Inspector, shall be installed, for connection of street laterals, in accordance with Section 506.

Section 403 B - Safety and Load Factors

Selection of pipe class shall be predicated on the following criteria:

Safety factor	-	1.5
Load factor	-	1.7
Weight of soil	-	120 lbs/cu. ft.

Wheel loading - 16,000 lbs.

Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, "Design and Construction of Sanitary and Storm Sewers", and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

PVC pipe shall not be encased in concrete due to their different coefficients of linear thermal expansion.

Section 403 C - Sewer Pipe Installation

- (1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect a/I utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.
- (2) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.
- (3) The public shall be protected from personal and property damage as a result of the construction work.
- (4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least % of a street (of at least ten (10) foot width) shall be kept open for traffic flow.
- (5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.
- (6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods as approved by the Building Inspector, before trench excavation is initiated.
- (7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.
- (8) Open trenches shall be protected at all hours of the day with barricades, as required.
- (9) Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the

work is in progress, without permission of the Building Inspector. When work is not in progress, including over night, weekends, and holidays, the trench shall be backfilled to ground surface.

- (10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.
- (11) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.
- (12) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.
- (13) No structure shall be undercut unless specifically approved by the Building Inspector.
- (14) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.
- (15) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown nor no higher than one foot below final grade, and left in the trench, during backfill operations.
- (16) The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run max. % inch stone free of organic material. This foundation shall be firmly tamped in the excavation.
- (17) Bell holes shall be hand excavated, as appropriate.
- (18) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.
- (19) The joints shall be made, and the grade and alignment checked and made correct.
- (20) The pipe shall be in straight alignment.
- (21) When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.
- (22) Crushed stone shall be placed over the laid pipe to a depth of at least six (6) inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D232 I using class IA or IS backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.
- (23) The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.
- (24) The remaining portion of the trench above the pipe embedment shall be backfilled in 12 inch lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95 % of the

maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or frozen material shall not be used for backfill.

Note that if a sewer pipe installation project triggers any of the thresholds in the NYC Rules and Regulations, 10 NYCRR §128-3.9(b) (3), 15 RCNY §18-39(b) (3), the project will require NYCDEP review and approval of a Storm water Pollution Prevention Plan (SPPP).

Section 403 D - Cleanout Installation

- (1) Cleanouts for low pressure sewers shall be placed at intervals of approximately 400 to 500 feet, at major changes of direction, where one collection main joins another main and at the upstream end of each main branch.
- (2) The design of the cleanouts shall be as approved by the Building Inspector.

Section 404 - Manhole Installation

- (1) Design of all manholes shall be submitted to the Building Inspector and shall receive approval prior to placement.
- (2) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet except as authorized by the Building Inspector.
- (3) Manhole bases shall be constructed or placed on a minimum of six (6) inches of crusher run max. 1/2 inch stone free of organic materials.
- (4) Manhole bases shall be constructed of 4,000 psi (28 day) concrete 8 inches thick, or shall be precast bases properly bedded in the excavation. Field constructed bases shall be monolithic, properly reinforced, and extend at least 6 inches beyond the outside walls of lower manhole sections. Precast manhole bases shall extend at least 6 inches beyond the outside walls of lower manhole sections.
- (5) Manholes shall be constructed using precast minimum 4 foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478, with the following exceptions on wall thickness:

Manhole Diameter	Wall Thickness
Feet	inches
4	5
5	6
6	7
6-1/2	7-1/2
7	8
8	9

All sections shall be cast solid, without lifting holes.

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

- (6) All joints between sections shall be sealed with a “0” ring rubber gasket, meeting the same specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.
- (7) All joints shall be sealed against infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.
- (8) No holes shall be cut into the manhole sections closer than 6 inches from joint surfaces.
- (9) Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.
- (10) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade.
- (11) When located in a traveled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be 36 inches, minimum, in diameter. The minimum combined weight of the heavy duty frame and 36 inch cover shall be 735+1-5% lbs. The minimum combined weight of the light duty frame and 36 inch cover shall be 420 +/- 5% lbs. The mating surfaces shall be machined, and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have “Sanitary Sewer” cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented.
- (12) A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on al/junction manholes and on manholes with bends greater than 45 degrees.
- (13) Inverts and shelves/benches shall be placed after testing the manholes and sewers.
- (14) Benches shall be level and slope to the flow channel at about 1 inch per foot.
- (15) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.
- (16) Manhole frames, installed at grade, shall be set in a full bed of mortar with no less than two or more than four courses of brick underneath to allow for later elevation adjustment. In lieu of brick grade rings may be used for elevation adjustment. Grade rings shall not exceed 6 inches in depth. The total number of grade rings shall not exceed 12 inches in height however in no event shall more than 3 grade rings be used.
- (17) Manholes which extend above grade shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six Y inch corrosion resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.

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

Section 405 A - infiltration/Exfiltration Testing

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Town. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Building Inspector, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed ten (10) feet or fill to within six (6) inches of the top of the downstream manhole. Should this condition prevail, the testing methods in Sections 405 F and/or 405 G shall be utilized. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

Section 405 B - Test Section

The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of 48-inch diameter pipe, 5 feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per 24 hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made, and the section retested.

Section 405 C - Test Period

The test period, during which the test measurements are taken, shall not be less than two (2) hours.

Section 405 D - Pipe Lamping

Prior to testing, the section shall be lamped. Any length of pipe out of straight alignment shall be realigned. Section 405 E - Deflection Testing

Also prior to testing, all plastic pipes in the test section shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95 percent of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than 5 percent shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device.

Section 405 F - Low Pressure Air Testing Alternative

In lieu of hydrostatic testing (exfiltration or infiltration), low pressure air testing may be employed. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately 4.0 PSIG. The air pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSIG to 2.5 PSIG.

Acceptance is based on limits tabulated in the “Specification Time Required for a 1.0 PSIG Pressure Drop” in the Uni-Bell PVC Pipe Association “Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe”.

Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased by an amount sufficient to compensate for groundwater hydrostatic pressure; however, the test pressure shall not exceed 10 PSI, or a lower pressure as required by the Building Inspector.

The pressure test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Building Inspector prior to testing.

Section 405 G - Vacuum Testing Alternative

In lieu of hydrostatic testing (exfiltration or infiltration), vacuum testing may be employed for testing of sewer lines and manholes. Sewer lines and manholes shall be tested separately. All sewer lines to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The vacuum test shall be based on the time, measured in seconds, for the vacuum to decrease from 10 inches of mercury to 9 inches of mercury for manholes, and from 7 inches of mercury to 6 inches of mercury for sewers.

Acceptance of manholes is based on the following:

Manhole Depth	Manhole Diameter	Time to Drop 1” Hg (10” to 9”)
10 ft or less	4ft	120 seconds
10 ft to 15 ft	4ft	150 seconds
15 ft to 25 ft	4ft	180 seconds

For 5 ft diameter manholes, add 30 seconds to the times above. For 6 ft diameter manholes, add 60 seconds to the times above.

If the test on the manhole fails (the time is less than that tabulated above), necessary repairs shall be made and the vacuum test repeated, until the manhole passes the test.

Acceptance of sewers (7” Hg to 6” Hg) is based on the time tabulated in the “Specification Time Required for a 0.5 PSIG Pressure Drop” in the Uni-Bell PVC Pipe Association “Recommended Practice for Low-Pressure Air Testing of Installed Sewer Pipe”.

The vacuum test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Building Inspector prior to testing.

Section 406A - Force Mains

Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 401. Additional design requirements are:

- (1) Force main pipe material shall be:
 - (a) Ductile Iron Pipe shall conform to ANSI A21.51. The minimum wall thickness shall be Class 52 (ANSI A21.50). The pipe shall be clearly marked with either "D" or "DUCTILE". Fittings shall conform to ANSI A21. 10. Pipe and fittings shall be furnished with push-on joints conforming to ANSI A21. 11. Pipe and fittings shall be cement mortar lined and have an internal and external bituminous seal coating.
 - (b) Polyvinyl Chloride (PVC) Plastic Pipe shall conform to ASTM D2241. Materials used in the manufacture of PVC pipe shall meet ASTM ci 784. The minimum wall thickness shall be SDR-2 1. Fittings shall conform to ASTM D224 1. Joints and gaskets shall conform to ASTM D224 1, D 1869, and F477.
 - (c) Other pipe materials require prior written approval of the Building Inspector before being installed.
- (2) Trenching, bedding, and backfilling shall be in accordance with Section 403 C.
- (3) Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.
- (4) Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7-1/2 degrees or greater.
- (5) Drain valves shall be placed at low points.
- (6) Automatic air relief valves shall be placed at high points and at 400 ft intervals, on level force main runs.
- (7) Air relief and drain valves shall be suitably protected from freezing.
- (8) When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.
- (9) The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T". The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least 4 feet long; the lower arm shall terminate in a PVC plastic sewer pipe 90 degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion resistant anchors.

Section 406B - 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 Building Inspector 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 Building Inspector, but in no event longer than one thousand (1,000) feet.

Section 407 - Final Acceptance and Warranty/Surety

All sanitary sewers and extensions to sanitary sewers (within a proposed subdivision) constructed at the applicant's expense, after final approval and acceptance by the Building Inspector, and concurrence by the Town Board, shall become the property of the Town, and shall thereafter be operated and maintained by the Town. No sanitary sewer shall be accepted by the Town until four (4) copies of as-built drawings have been so filed with the Building Inspector and the Building Inspector has approved the submitted drawings. Said sewers, after their acceptance by the Town 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 Town Board, secured by a surety bond or such other security as the Town Board may approve, except that no surety bond or other security shall be required from any municipal applicant.

Upon the conveyance of a new sewer main to the Town, constructed by the private sector in accordance with the provisions in this Article, the Town may request, subject to approval by NYCDEP that the sewer main be allowed to become New York City-owned property, which the City will thereafter maintain. It is understood that NYCDEP shall have no obligation to accept ownership and maintenance of the new main if it is not in the best interests of the City to do so.

Any sewer lines constructed or funded by NYCDEP shall remain property of the City of New York unless the City, by written agreement, dedicates such sewer lines to the Town.

Section 408 - Liability Insurance Coverage during Construction Period

- (1) Any contractor engaged in connecting house laterals with sanitary sewers, who performs 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 Town Clerk to indemnify the Town against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of such contractor, or any of his, or its agents arising or resulting directly or indirectly by reason of such work, or of any act, construction or excavation done, made or permitted under authority of any permit or consent for such work. All bonds shall contain a clause that permits
- (2) Before commencing work, the above contractor shall file insurance certificates with the Town 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 \$500,000 each occurrence and \$500,000 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 Building Inspector before cancellation and must cover all liabilities of the Town and be in a form approved by the Town Board.
- (g) The minimum insurance limits stated above shall be subject to periodic review by the Town 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 (appropriate official) if a Town 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 Town Board and shall be subject to periodic review and adjustment, as appropriate, by the Town Board.

Article 5

BUILDING LATERALS, STREET LATERALS and CONNECTIONS

Section 501 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 associated with the Tannersville WWTP'S Sewer System without first obtaining a permit from the Building Inspector.

Prior to issuing any permit for new connections to the Tannersville WWTP'S Sewer System, the Town will forward the connection request to NYCDEP for review. NYCDEP will review the connection request in light of the requirements of this Law and the protection of the waste water treatment plant, and will send the results of its review, in writing, to the Town within ninety (90) days from receiving the connection request from the Town. No permit for a new connection will be issued by the Town except with the concurrence of NYCDEP.

Section 501 B - Wastewater Discharges Allowed

Only domestic sanitary sewage, and industrial discharges approved by NYCDEP pursuant to Section 801 A, are allowed to be discharged into the Tannersville WWTP'S Sewer System.

Section 502 - Lateral Permits

There shall be two classes of 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 Building Inspector who shall forward the application to NYCDEP for review and approval. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of DEP. A permit as required under Section 501A herein shall first be obtained before a sewer lateral permit is issued.

Connections to existing manholes along the Tannersville WWTP'S sewer mains must be approved by NYCDEP.

Section 503 A - New Building Laterals

A separate and independent building lateral shall be provided for every building requiring sanitary facilities.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the NYCDEP has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be:

- (1) Exposed and totally encapsulated in not less than three inches of concrete, or
- (2) Exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the NYCDEP. No new manholes shall be constructed on the portion of the lateral under the building.

Section 503 B - Dry Sewers

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

Section 504 - Using Existing Building Laterals

Existing building laterals may be used in connection with new buildings only when they are found to meet all requirements of this Law. NYCDEP shall approve the reuse of any existing laterals.

Section 505 - Lateral Pipe Materials

Building and street lateral pipe materials shall be one of the following:

- (1) Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings". All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation a 112.5. 1, except spigot ends shall be "plain end", if gasket joints are used.
- (2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (FIY) at

five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the NYCDEP where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by NYCDEP. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by NYCDEP. The size and slope of building and street laterals shall be subject to approval by the NYCDEP, but in no event shall the internal pipe diameter be less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot.

Section 506 A - Street Lateral to Sewer Connection

At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

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

Section 506 B - Future Connection Locations; As-Built Drawings

The street lateral, including the wye and eighth bend fittings, shall be connected to the sewer main, for each proposed lot, as necessary, upon approval of the proposed development. Laterals installed for future development shall be fitted a standard plug approved for use by the NYCDEP. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Building Inspector who shall forward them to the NYCDEP. No lateral shall be accepted until the NYCDEP approves the submitted drawings.

Section 506 C - Special Manhole Requirements

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or which, in the opinion of the NYCDEP, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral may be connected to the public sewer through a manhole. The DEP shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the NYCDEP. If required, a new manhole shall be installed in the public sewer pursuant to Sections 404 and 807 and the lateral connection made thereto as directed by NYCDEP.

Section 507 - 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, or lower than twelve inches above the basement floor, except with the expressed written approval of the NYCDEP.

The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 508 - Sewage Lifting

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

Section 509 - Lateral Pipe Installation

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the NYCDEP. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but no in any case shall such depth be less than four (4) feet. Where it is physically impossible to provide cover of four (4) feet, the depth may be reduced to a minimum of two (2) feet and the pipe shall be insulated, as approved by the NYCDEP.

Section 510A - Watertight Joints

All joints and connections shall be made watertight.

Section 510 B - Ductile Iron Mechanical Joints

Mechanical joints made of ductile iron pipe, or an equivalent type of material, shall be used where separation distance to a water main or water service is at issue, or where existing soil conditions warrant. The joint shall be assembled following the manufacture's recommendations using acceptable lubricant and any special pipe coup/mg tools designed for that purpose. The plain spigot end or cut end shall be inserted full depth into the coupling with the gasket pushed into the collar joint between pipe and coupling and the retainer gland securing the gasket in place. The lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically effect the gasket material.

Section 510 C - Cast Iron Push Joints

Pre -molded gaskets maybe used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the NYCDEP. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be pre -molded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and

fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically attack the gasket material.

Section 510 D - PVC Push Joints

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published formation relating thereto, and conforming to the applicable ASTM specification identified in Section 505.

Section 511 A - Building Lateral/Street Lateral Connection

- (1) The connection of the building lateral to an existing street lateral shall be made at the property line. If a street lateral has not previously been provided, the street lateral will be constructed from the existing sewer to the property line, by a licensed plumber, at the properly owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line. However, since NYCDEP does not distinguish between building laterals and street laterals, cleanouts at property lines are neither required nor encouraged.
- (2) Unless otherwise provided for in an agreement with NYCDEP, the property owner shall pay for the cost of constructing the lateral from the sewer system up to and including the house connection.
- (3) The property owner shall indemnify the Town and/or NYCDEP, as appropriate, from any loss or damage that may directly or indirectly be occasioned by the installation of the building and street laterals, and any associated connections and appurtenances.
- (4) As previously noted in Section 502, NYCDEP shall review and approve all proposed new lateral connections to the Tannersville Wt4 Sewer System. After installation of the laterals has been approved by NYCDEP, they shall become the property of the property owner and/or the Town.

Section 511 B - Cleanout Repair/Replacement

If, in the judgment of the Building Inspector, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Town may install a clean-out at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

Section 511 C - Maintenance, Repair and Replacement of Laterals

Maintenance of laterals is the responsibility of property owners unless otherwise provided for in an agreement with NYCDEP. If the Building Inspector finds that the street lateral is in need of replacement (or repair), it shall be replaced with a new street lateral with a property line clean-out. The replacement or repair of a street lateral shall be done by a licensed plumber and the cost of constructing or repairing the lateral shall be a (the properly owner's or Town's expense).

Section 512 - Testing

Laterals shall be tested for infiltration/exfiltration by:

- (1) Any full pipe method described in Section 405, or
- (2) By a suitable joint method, with the prior written approval of the Building Inspector in consultation with NYCDEP.

Section 513 A - Connection Inspection

Before a lateral connection is to be made to a sewer main the applicant shall notify the Building Inspector and NYCDEP when the lateral is ready for inspection approval.

Section 513 B - Trench Inspections

When trenches are excavated for the laying of lateral pipes to the Tannersville WV Sewer System, such trenches shall be inspected by the Building Inspector. Before the trenches are backfilled, the person performing such work shall notify the Building Inspector when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Building Inspector.

Section 514 - Public Safety Provisions Required; Restoration of Disturbed Areas

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Building Inspector. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Town and/or County Department of Public Works (DPW), or NYS Department of Transportation (DOT) if applicable, shall complete road and shoulder restoration to the applicable standards.

Section 515 - Interior Clean-Out

An interior clean-out fitting shall be provided for each 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 lateral.

The cleanout diameter shall be no less than the lateral's diameter.

Section 516 - 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 Town, or NYCDEP where provided in an Agreement between the Town and NYCDEP.

The Town shall be allowed to charge the property owner its cost for professional engineering services and assistance should it deem it necessary to retain said services in connection with the review of plans or the inspection of construction.

Section 517- Capping Connections Where Structures Are Demolished or Destroyed

It shall be the responsibility of the property owner to cap the service connection of any structure either demolished or destroyed by fire or "act of God" unless the landowner can verify that he/she has plans to construct another structure with plumbing within six (6) months of the demolition. Such capping must be completed within 60 days of the

demolition of any structure. The capping should be done as close to the sewer main as possible, preferably within 20 ft. Notice of intent to cap a service connection shall be provided by the property owner (or its representative) to NYCDEP at least five (5) business days prior to its commencement and shall be subject to inspection by NYCDEP. Costs for capping shall be borne by the property owner unless specified otherwise in any other agreement(s) between the Town and NYCDEP. Failure to comply with this requirement shall constitute a violation of this Law and shall be subject to appropriate enforcement actions pursuant to Section 9 of this Law.

ARTICLE 6

INFLOW

Section 601-New Inflow Sources Prohibited

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

Section 602-Existing Inflow Sources Disconnected

Any connections which contribute inflow to the Tannersville WWTP'S Sewer System must be disconnected by the property owner in a fashion approved by the Building Inspector within 30 days of notification.

Section 603-Existing Inflow Sources Disconnected When Property Sold

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

Section 604-No Reconnection of Inflow Source Allowed

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

Section 605-Inter-municipal Cooperation with Efforts to Reduce Inflow

The Town shall cooperate with NYCDEP'S efforts to reduce inflow and infiltration problem including providing assistance to NYCDEP for gaining access to specific properties as warranted to inspect suspected inflow problems, and by cooperation with NYCDEP'S conduction periodic inspections and tests of laterals for obtaining information necessary for mitigating inflow and infiltration problems.

ARTICLE 7

DISCHARGE RESTRICTIONS

Section 701 - Pretreatment Standards

All Users of the Tannersville WWTP'S Sewer System shall comply with all standards and requirements of the Clean Water Act ("the Act") and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 403 - 471.

Section 702 - General Prohibitions

No User shall contribute or cause to contribute, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or

performance of the Tannersville WWTP and its sewer system. These general prohibitions apply to all Users of the sewer system 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 Tannersville WWTP'S Sewer System:

- (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 NYCDEP has determined to be a fire hazard, or hazard to the treatment plant or sewer system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the wastewater treatment plant was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or to the treatment plant's personnel.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant, 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 30 7(A) of the Act.

- (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 treatment plant's influent temperature to be greater than 40 degrees C (104 degrees F). The NYCDEP 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 NYCDEP and in compliance with applicable State, Federal and New York City regulations.
- (12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.
- (14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the treatment plant in a quantity that may cause acute worker health and safety problems.

Section 703 - Concentration Based Limitations

No person shall discharge, directly or indirectly, into the Tannersville Wastewater Treatment Plant's Sewer System, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in Section 704. Concentration limits are applicable to waste water effluents at the point just prior to discharge into the sewer collection system ("end of pipe" concentrations).

Effluent Concentration Limits-mg/l

SUBSTANCE	Allowable Average Daily	Allowable Maximum Instantaneous
(1)	(2)	(3)
Antimony	0.006	0.006
Arsenic	0.065	0.130
Barium	4.08 1	4.081
Beryllium	0.100	0.100
Cadmium	0.070	0.070
Chlorides	96.592	96.592
Chromium	0.0 10	0.020
Chromium Hex	0.0 10	0.020

Cobalt	0.013	0.013
Copper	0.109	0.109
Cyanide (complex)	0.247	0.247
Cyanide (free)	0.247	0.247
Flourides	4.372	4.372
Gold	NONE	NONE
Iodide	10.000	10.000
Iron	0.989	0.989
Lead	0.116	0.116
Manganese	0.462	0.462
Molybdenum	0.010	0.010
Mercury	0.002	0.002
Nickel	0.104	0.104
Phenols (total)	0.016	0.016
Selenium	0.023	0.023
Silver	0.133	0.133
Sulfates	NONE	NONE
Suldides	25.000	25.000
Tin	NONE	NONE
Titainium	NONE	NONE
Vanadium	0.039	0.039
Zinc	0.2 12	0.2 12

- (1) Except for chromium (hex), all concentrations listed for metallic substances shall be as “total metal”, which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.
- (2) As determined on a composite sample taken from the User’s daily discharge over a typical operational and/or production day.
- (3) As determined on a grab sample taken from the User’s discharge at any time during the daily operational and/or production period.
- (4) Other substances which may be limited are:
 - alkanes, alkenes and alkynes;
 - aliphatic and aromatic alcohols and acids;
 - aliphatic and aromatic aldehydes and ketones;
 - aliphatic and aromatic esters;
 - aliphatic and aromatic halogenated compounds;
 - antibiotics;
 - benzene derivatives;

Chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the P07W, produce toxic, flammable, or explosive compounds; pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides, phthalates; polyaromatic and polynuclear hydrocarbons; total toxic organics, TTO, as defined in 40 CFR 433. 11; toxic organic compounds regulated by Federal Pretreatment Standards; unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group; and/or viable pathogenic organisms from industrial processes or hospital procedures.

Section 704 - Mass Discharge Based Limitations

At no time shall the in fluent to the Tannersville WWTP'S Sewer System contain quantities in excess of those specified below:

Allowable In fluent Loading

SUBSTANCE	Limit (LBS/DAY)
Antimony	0.04
Arsenic	0.433
Barium	27.23
Beryllium	0.31
Cadmium	0.466
Chlorides	644.46
Chromium	0.066
Chromium Hexavalent	0.066
Cobalt	0.09
Copper	0.727
Cyanide (complex)	1.65
Cyanide (free)	1.65
Fluorides	29. 17
Gold	NONE
Iron	6.599
Lead	0.774
Manganese	3.082
Mercury	0.0 13
Nickel	0.696
Phenols (total)	0.11
Selenium	0.157
Silver	0.89
Tm	NA
Titainium	NA
Vanadium	0.26

The NYCDEP shall determine the total allowable in fluent 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, NYCDEP 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 sewer system's service area, (6) potential for more restrictive regulatory requirements to be placed on the treatment plant's discharge or sludge disposal or sludge reuse method, and (7) treatability of the substance. The NYCDEP shall apply a minimum 15 % safety factor to be protective of the P071/V.

To assure that the total loads so calculated, for each substance, are not violated, NYCDEP shall issue permits to significant industrial users limiting discharge loads.

Permits issued in accordance with this section may allow for discharges in excess of/imitations set forth under section 703.

Section 705 - Modification of Limitations

Limitations on wastewater strength or mass discharge contained in this Law maybe supplemented with more stringent limitations when, in the opinion of the NYCDEP:

- (1) The limitations in this Law are not sufficient to protect the Tannersville WWTP,
- (2) The limitations in this Law are not sufficient to enable the treatment plant to comply with applicable water quality standards or the effluent limitations specified in the treatment plant's SPDES permit,
- (3) The treatment plant's sludge will be rendered unacceptable for disposal or reuse as a result of discharge of waste waters at or above the 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. This Law 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 706 - Access to User's Records

The NYCDEP shall have the authority to copy any record related to wastewater discharges to the Tannersville WWTP'S Sewer System.

Section 707 - 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 708 - Grease, Oil, and Sand Interceptors

Grease, oil and sand interceptors shall be provided, when, in the opinion of the NYCDEP they are necessary for the proper handling of waste water 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. A/I interceptors shall be of type and capacity approved by the Building Inspector and NYCDEP and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

Section 709 - Solid Waste Grinders

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the Tannersville WWTP'S sewer system if there is a combined sewer overflow (CS O) on the sewer lines conveying the waste to the treatment plant

Section 710 - Rejection of Wastewater

The NYCDEP may reject a User's wastewater when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the treatment plant and its processes, or on the receiving water, whichever constitutes a public nuisance or hazard.

ARTICLE 8

INDUSTRIAL DISCHARGE PERMITS AND PRETREA TMENT REQUIREMENTS

Section 801 A - Industrial Discharge Permits for New Discharges

No Significant industrial User shall discharge wastewater to the Tannersville Wastewater Treatment Plant's Sewer System without having a valid Wastewater Discharge Permit, issued by NYCDEP.

All Significant industrial Users proposing to connect to or to discharge to the sewer collection system shall obtain a Wastewater Discharge Permit before connecting to or discharging to the sewer system. NYCDEP may also issue Waste water Discharge Permits to other Industrial Users of the sewer collection system if the discharges from such Users are believed to pose water quality problems to the City's water supply.

Section 801 B - Permit Required For Exist Significant Industrial Users

Existing Significant industrial Users shall make application for a Wastewater Discharge Permit within 60 days after the effective date of this Law, and shall obtain such a permit within 90 days after making application. S u c h Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

Section 802 A - Application for Industrial Discharge Permits

Applications for Wastewater Discharge Permits shall be submitted to the Building Inspector who shall forward them to NYCDEP for review and approval. No application fees are required for discharges to the Tannersville WWTP'S Sewer System. 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 of the property for which a Wastewater Discharge Permit is sought).
- (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 8 of this Law and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- (4) Time and duration of the discharge.
- (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the sewer system.
- (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 NYCDEP 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 for the User to provide NYCDEP with such progress reports.

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

NYCDEP will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the NYCDEP may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

Section 802 B - Permit Modifications

Wastewater Discharge Permits may be modified by the NYCDEP 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 703 of this law,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the Tannersville WWTP and its sewer system,
- (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 802 A (12) (a).

Sect Ion 802 C - Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations. 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) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (5) Compliance schedules.

- (6) Requirements for submission of technical reports or discharge reports.
- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the NYCDEP and affording the access thereto.
- (8) Requirements for notification to NYCDEP 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 sewer system.
- (9) Requirements for notification to the NYCDEP of any change in the manufacturing and/or pretreatment process used by the permittee.
- (10) Requirements for notification of excessive, accidental, or slug discharges.
- (11) Other conditions as deemed appropriate by the NYCDEP to ensure compliance with this Law, State and Federal laws, rules, and regulations, and for discharges to sewers and WWTP'S in the Watershed, the NYC Watershed Rules and Regulations.

Section 802 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 802 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 NYCDEP during the term of the permit, as limitations or requirements, as identified in Section 802 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 802A (12) (a).

Section 802 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 802 G - Permit Revocation

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the NYCDEP timely access to the industrial premises, failure to meet effluent/imitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

Section 803 - Reporting Requirements for Permittee

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

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

- (a) **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 NYCDEP information required by paragraphs (8) and (9) of Section 802 A of this law.
- (b) **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 waste water into the Tannersville WWTP'S Sewer System, any User subject to Pretreatment Standards and Requirements shall submit to the NYCDEP 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.
- (c) **Periodic Compliance Reports**
 - i. 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 Tannersville WV Sewer System, shall submit to the NYCDEP during the months of June and December, unless required more frequently in the Pretreatment Standard by the NYCDEP, 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 802 A. Upon consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the NYCDEP may agree to alter the months during which the above reports are to be submitted, however, no fewer two reports shall be submitted per year.
 - ii. NYCDEP 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 803 (3) (a) 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 its nature and concentration, or production and mass, where requested by the NYCDEP, of pollutants contained therein, which are limited by the applicable Pretreatment

Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(d) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User and/or Town shall notify the NYCDEP 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 NYCDEP 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.

(e) Other reports

The NYCDEP may impose reporting requirements equivalent to the requirements imposed by Section 803(3) for users not subject to pretreatment standards.

Section 804 - Industrial Wastewater Discharge Reports

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each Industrial User shall be required to notify the NYCDEP of any new or existing discharges to the Tannersville Wastewater Treatment Plant's Sewer System by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the NYCDEP. NYCDEP may require any User discharging wastewater into the POTW to file waste water discharge reports and to supplement such reports as the NYCDEP deems necessary. All information shall be furnished by the User in complete cooperation with the NYCDEP.

Section 805 - Notification to Industrial Users

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

Section 806 - Flow Equalization

No person shall cause the discharge of slugs to the Tannersville WWTP'S Sewer System. Each person discharging, into the sewer system greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the WWTP, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four(24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the NYCDEP. A wastewater discharge permit may be issued solely for flow equalization.

Section 807 - 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 street lateral serving an Industrial User, the NYCDEP may require the installation of a control manhole on each lateral
- (3) The NYCDEP 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 be located, and the Industrial User shall allow immediate access, without prior notice, to the station by the NYCDEP.

Section 808- Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any waste water, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the NYCDEP may approve or disapprove the adequacy of such facilities. Where the NYCDEP 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 NYCDEP. Construction of new or upgraded facilities shall not commence until written approval of the NYCDEP has been obtained.

Section 809 - 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:

- (1) Any structure, appurtenance, or equipment which is a part of the Tannersville WWTP and its sewer system, or
- (2) any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the NYCDEP.

Section 810 - Sampling and Analysis

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

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 807, 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 811 - 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 Law or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the NYCDEP of the discharge of wastes in violation of this Law or any Permit such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the NYCDEP 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 NYCDEP 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 NYCDEP, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the NYCDEP for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the NYCDEP 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; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 812 - Posting Notices

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

Section 813 - Sample Splitting

When so requested in advance by an Industrial User, and when taking a sample of industrial wastewater, NYCDEP 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 volumes shall be given to the Industrial User whose wastewater was sampled, and the other shall be retained by the NYCDEP for its own analysis.

Section 814 - Public Access to Information Maintained by the Building Inspector

When requested, the NYCDEP 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 NYCDEP 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 Law, 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 NYCDEP shall provide written notice to the Industrial User of any disclosure of confidential information to another governmental agency.

Section 815 A - Access to Property and Records

Representatives of the NYCDEP, bearing proper credentials and identification, shall be permitted to enter upon all Industrial Users' properties at reasonable 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 a P07W, and with the provisions of this Law. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 815 B - Access to Easements

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

Section 815 C - Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 815 A and 815 B, 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 816 - Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the NYCDEP and any User of the Tannersville WNTF and/or its sewer system whereby wastewater of unusual strength or character is accepted into the POTW and is specially treated. In entering into such a special agreement, the NYCDEP 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; and
- (4) interfere with any purpose stated in Section 102 herein;

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 Tannersville WWTP'S Sewer System for treatment and disposal. The User shall be in compliance with all conditions in the permit. The NYCDEP, however, holds the right to con the agreement.

ARTICLE 9

ENFORCEMENT AND PENAL TIES

Section 901 - Enforcement Response Plan

The Building Inspector, in consultation with NYCDEP, shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the Tannersville WWTP' Sewer System. All violations by Users of the sewer system shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (1) Describe how the Building Inspector will investigate instances of non-compliance including, but not limited to, an investigation plan geared to alleviate inflow problems, into the sewer system.
- (2) Describe the types of escalated enforcement actions that the Building Inspector will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions.

- (3) Adequately reflect the Town Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- (1) Criteria for scheduling periodic Inspection and/or sampling visits to Users of the sewer system;
- (2) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence;
- (3) Systems to track due dates, compliance schedule milestones, and pending enforcement actions; and
- (4) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.

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

- a) Magnitude of the violation;
- b) Duration of the violation;
- c) Effect of the violation on the receiving water;
- d) Effect of the violation on the P07W;
- e) Effect of the violation on the health and safety of the P07W employees;
- f) Compliance history of the User;
- g) Good faith of the User

And shall promote consistent and timely use of enforcement remedies.

The Town Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed by the Building Inspector at least every five years. If revisions are warranted, they shall be reviewed and approved by the Town Board. NYCDEP shall have the right to review and approve the Enforcement Response Plan. In the event the Town acknowledges that there is a lack of local enforcement, the Town Board shall be authorized to designate an agent from NYCDEP to act on the Building Inspector's behalf with respect to enforcing specific violations of this Law.

ADMINISTRATIVE REMEDIES

Section 902 - Notification of Violation

Whenever the Building Inspector, based on his/her own information or information obtained from NYCDEP, finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Building Inspector may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Building Inspector mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Building Inspector, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

Section 903 - Consent Orders

The Building Inspector, based on his/her own information or information obtained from NYCDEP, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

Section 904 - Administrative or Compliance Orders

When the Building Inspector, based on his/her own information or information obtained from NYCDEP, finds that a User has violated or continues to violate this Law or a permit or administrative order issued there under, he may issue an Administrative Order to the User responsible for the discharge directing that, following a specified time period, sewer se shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Building Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector 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 908 and may as part of the show cause notice request the User to supply additional information.

Section 905 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Building Inspector's notice of such fine, petition the Building Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector 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 908 and may as part of the show cause notice request the User to supply additional information.

Section 906 - Cease and Desist Orders

When the Building Inspector, based on its own information or information obtained from NYCDEP, finds that a User has violated or continues to violate this Law or any permit or Administrative Order Issued hereunder, the Building Inspector may issue an Administrative Order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith, or
- (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 Building Inspector mails notification of such order, petition the Building Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector 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 908 and may as part of the show cause notice request the User to supply additional information.

Section 907- Termination of Permit

Any User who violates the following conditions of this Law, or a Wastewater Discharge Permit or Administrative Order, or any applicable State and Federal law, is subject to permit termination:

- (1) Violation of permit conditions or conditions of an Administrative Order,
- (2) Failure to accurately report the waste water constituents and characteristics of its discharge,
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics,
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or
- (5) Failure to pay administrative fines or fees.

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 Building Inspector mails such notification, petition the Building Inspector to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector shall then:

- (1) Reject any frivolous petitions, or
- (2) Order the petitioner to show cause in accordance with Section 908 and may as part of the show cause notice request the User to supply additional information.

Section 908 - Show Cause Hearing

The Building Inspector may order any User appealing administrative remedies for violations of this Law to show cause, before the Town Board, why an enforcement action, initiated by the Building Inspector, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 910 of this Article. Copies of such notice shall be provided to the property owner and to the NYCDEP. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 910.

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

- (1) Issue, in the name of the Town Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.

After the Town Board has reviewed the evidence and testimony, it may order the User to comply with the Building Inspector's order or fine, modify the Building Inspector's order or fine, or vacate the Building Inspector's order or fine.

Section 909 - Failure of User to Petition the Building Inspector

In the event the Building Inspector 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 Building Inspector, 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 910 - Notice

The notices, orders, petitions, or other notification which the User or Building Inspector shall desire or be required to give pursuant to any sections of this Law 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 Law shall be mailed to the User where the User's effluent is discharged into the Tannersville W1/VTP's Sewer System. A copy of any of the above-noted notices, orders, or petitions shall be sent to the NYCDEP. Any notice, petition, or other communication mailed to the Building Inspector shall be mailed to Town of Hunter Building Inspector, Town Hall/Building, PD Box 70, Tannersville, NY 12485 unless this address is otherwise changed.

Section 911 - Right to Choose Multiple Remedies

The Building Inspector shall consult with the NYCDEP to arrive at an appropriate administrative remedy. The Building Inspector may utilize more than one administrative remedy established pursuant to this Article, and he/she may hold one show cause hearing combining more than one enforcement action.

JUDICIAL REMEDIES

Section 912- Civil Actions For Penalties

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any

Administrative Order or determination of the Building inspector promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town of Hunter or a civil penalty not to exceed one thousand dollars (\$1,000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty maybe recovered in an action brought by the Town attorney, or his designated attorney, at the request of the Building Inspector in the name of the Town, in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above described penalty, the Building Inspector may recover al/damages incurred by the Town from any persons or Users who violate any pro visions of this Law, or who fail to perform any duties imposed by this Law or any Administrative Order or determination of the Building Inspector promulgated under this Law, or the terms of any perm it issued hereunder. In addition to the above described damages, the Building Inspector may recover all reasonable attorney's fees incurred by the Town in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Building Inspector may also recover court costs, and other expenses associated with the enforcement activities.

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 Building Inspector before the matter has been referred to the Town attorney, and where such matter has been referred to the Town attorney, any such penalty may be released or compromised and any action commenced to recover the same maybe settled and discontinued by the Town attorney, with the consent of the Building Inspector.

Section 913 - Court Orders

In addition to the power to assess penalties as set forth in this Article, the Building Inspector shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

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

Any such court order shall be sought in an action brought by the Town attorney, at the request of the Building Inspector, in the name of the Town of Hunter in any court of competent jurisdiction giving precedence to courts local to the Town.

The Town Attorney, at the request of the Building Inspector 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 914 - Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or Administrative Order of the Building Inspector made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a Show Cause Hearing, if any, was instituted.

Section 915 - Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Building Inspector, through counsel may petition a Court of competent jurisdiction, in the name of the Town, 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 there under by the Building Inspector.

Section 916- Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Building Inspector finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Building Inspector, 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 Tannersville WWTP or its sewage collection system, 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 Building Inspector 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 Building Inspector may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Building Inspector shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

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

The Building Inspector, 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 WWTP and sewage collection system or the environment.

MISCELLANEOUS

Section 917- Delinquent Payments

If there shall be any payments which are due to the Town, or any Department thereof, pursuant to any Article or Section of this Law, 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 Town, the same shall constitute a default, and there shall be a 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.

Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town 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 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 918 - Informant Rewards

The Building Inspector 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 Building Inspector 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 919 - Public Notification

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

ARTICLE 10

PUBLIC DISCLOSURE OF WWTP AND SEWER COLLECTION SYSTEM OPERATIONS

Section 1001- WWTP And Sewer Collection System Administrative Operations Open to the Public

It shall be the policy of NYCDEP to make its administrative records, pertaining to the operations of the Tannersville/e W14'TP and its sewer collection system, public upon request by the Town or by any Town residents.

Section 1002- Procedural Requirements Available

The requirements and procedures for applying for a permit, issued by the NYCDE. this Law, and for requesting a hearing shall be made available by NYCDEP to any resident of the Town upon request

ARTICLE 11

RELATIONSHIP WITH OTHER LAWS AND AGREEMENTS; DELEGATION OF ENFORCEMENT AUTHORITY

Section 1101 - Relationship to NYC Rules and Regulations and Certain Agreements

Nothing contained in this Law shall be deemed to modify, amend or alter any term or provision of, or the rights of the City of New York or NYCDEP under, the NYC Rules and Regulations (10 NYCRR Part 128, and Title 15 RCNY Chapter 18), or any agreement between the City of New York and the Town of Hunter relating to the construction, operation or maintenance of the Tannersville W1Af and its sewer system.

Section 1102 - Special Provisions With Respect to the Tannersville WWTP And Its Sewer System

Nothing contained herein shall be deemed to limit or abridge, in any way, the right of NYCDEP to approve or condition the connection of any User to the Tannersville WWTP's Sewage Collection System, subject to the terms of the NYC Administrative Code and any agreement between the City of New York and the Town of Hunter relating to the construction, operation or maintenance of the Tannersville WWTP and its sewer system.

Section 1103 - Delegation of Enforcement Authority

To the extent permitted by applicable law, where there is inadequate enforcement and prosecution of violations affecting the Tannersville W1.4fTP and/or its sewer collection system, NYCDEP shall be empowered to enforce the provisions of this law pursuant to a written agreement entered into between the NYCDEP and the Town and the resolution effectuating this Law.

ARTICLE 12

CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

Section 1201- Conflicts

The provisions of any local law in conflict with any provision of this Law are hereby repealed.

Section 1202- Severability

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

Section 1203- Effective Date

This law shall take effect immediately upon its adoption.

END OF LAW

APPENDIX A

Map Of The “Tannersville Wastewater Treatment Plant’s Sewer Collection System Service Area in the Town of Hunter”

(Separate Document)

APPENDIX B

Parameters of Concern

Class A - Halogenated Hydrocarbons

Class B - Halogenated Organics (Other than Hydrocarbons)

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

Class D - Aromatic Hydrocarbons

Class E - Tars

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

Class G - Miscellaneous

Class M = Metals and their Compounds

Class A - Halogenated Hydrocarbons

A01. Methyl Chloride

A02. Methylene Chloride

A03. Chloroform

A04. Carbon Tetrachioride

A05. Freon/Genatron

A06. Other Halomethanes

A07. 1,1, 1-Trichloroethane

A08. Other Haloethanes

Aug. Vinyl Fluoride

A10. Vinyl Chloride

All. Dichioro ethylene

A 12. Trichloroethylene

A 13. Tetrachloroethylene

A14. Chlorinated Propane
A 15. Chlorinated Propene
A 16. Hexachlorobutadiene
A 17. Hexachlorocyclopentadiene
A 18. Chlorinated Benzene
A 19. Chlorinated Toluene
A20. Fluorinated Toluene
A2 1. Polychlorinated Biphenyl (PCB)
A22. Chlorinated Naphthalene
A23. Dechlorane (C
A24. Hexachlorocyclohexane (BHC)
A99. Halogenated Hydrocarbons Not Specified Above
Class B - Halogenated Organics (Other than Hydrocarbons
Bol. Phosgene
B02. Methyl Chloromethyl Ether
B03. Bis-Chloromethyl Ether
B04. Other Chloroalkyl Ethers
Bus. Benzoyl Chloride
B06. Chlorothymol
Bu7. Chlorinated Phenol
B08. Chlorinated Cresols or Xylenols
B09. Chlorendic Acid
B 10. Chloroaryl Ethers
B 11. Dichlorophene or Hexachlorophene
B 12. Chlorinated Aniline (Including Methylene Bis (2-Chloroaniline))
B 13. Dichlorobenzidine
B 14. Chlorinated Diphenyl Oxide
B 15. Chlorinated Toluidine
B16. Kepone (C
B 17. Dichloro vinyl Sulfonyl Pyridine
B 18. Chloropicrin
B 19. Trichloromethyl Thio-Phthalimide
B20. Trichloro-Propylsulfonyl Pyridine
B2 1. Tetrachloro-Methylsulfonyl Pyridine
B22. Tetrachloro-Isophthalonitrile

B99. Halo genated Organics Not Specified Above

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

CO 1. Aldrin/Dieldrin

C02. Chiordane and Metabolites

C03. DDT and Metabolites

C04. Endosulfan/Thiodan and Metabolites

C05. Endrin and Metabolites

C06. Heptachlor and Metabolites

C07. Malathion

C08. Methoxychlor

C09. Parathion

C10. Toxaphene

CII. Sevin

C12. Kelthane

C13. Diazinon

C14. Dithane

C15. Carbaryl

C 16. Silvex

CI 7. Dithiocarbamates

C18. Maneb

C19. Dioxathion

C20. Tandex/Karbutilate

C21. Carbofurans

C22. Pen fac

C23. Folpet

C24. Dichlone

C25. Rotenone

C26. Lindane/Isotox

C27. Simazine

C28. Methoprene

C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons

DO1. Benzene

D02. Toluene

D03. Xylene

DO4. Biphenyl
D05. Naphthalene
D06. Ethylbenzene
D07. Styrene
D08. Acenaphthene
D09. Fluoranthene
D99. Aromatic Hydrocarbons Not Specified Above
Class E - Tars
E01. Coal Tar
E02. Petroleum Tar
E99. Tars Not Specified Above
Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated
F01. Phenol, Cresol or Xylenol
F02. Catechol, Resorcinol, or Hydroquinone
F03. Nitrophenols
F04. Nitrobenzenes
F05. Nitrotoluenes
F06. Aniline
F07. Toluidines
F08. Nitroanilines
F09. Nitroanisole
Flu. Toluene Diisocyanate
F11. Dimethylaminoazobenzene
F12. Benzoic Acid (and Benzoate Salts)
F13. Phthalic, Isophthalic or Terephthalic Acid
F14. Phthalic Anhydride
F15. Phthalate Esters
F16. Phenoxyacetic Acid
F17. Phenylphenols
F18. Nitrobiphenyls
F19. Aminobiphenyls (Including Benzidine)
F20. Diphenylhydrazine
F21. Naphthylamines
F22. Carbazole
F23. Acetylaminofluorene

F24. Dyes and Organic Pigments

F25. Pyridine

F99. Substituted Aromatics Not Specified Above

Class G - Miscellaneous

G01. Asbestos

G02. Acrolein

G03. Acrylonitrile

G04. Isophorone

G05. Nitrosamines

G06. Ethyleneimine

G07. Pro piolactone

G08. Nitrosodimethylamine

G09. Dimethylhydrazine

G 10. Maleic Anhydride

Gil. Methyl Isocyanate

G12. Epoxides

G13. Nitrofurans

G14. Cyanide

Class M - Metals and Their Compounds

Mol. Antimony

M02. Arsenic

M03. Beryllium

M04. Cadmium

M05. Chromium

M06. Copper

M07. Lead

MOB. Mercury

M09. Nickel

M10. Selenium

Mu. Silver

M12. Thallium

M13. Zinc

M99. Metals Not Specified Above