CHAZY SEWER CODE

ARTICLE I
General Provisions

1. Applicability.

The discharge of industrial wastes into the hamlet of Chazy Waste Sewer District owned public sewer system shall, in addition to any other requirements of this law, be governed by the provisions of this Part 1.

2. Definitions.

A. "Shall" is mandatory; "may" is permissive

B. As used or referred to unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

ACT - The Federal Clean Water Act, and any amendments and additions thereto.

ASTM - The American Society for Testing and Materials.

BUILDING DRAIN - That part of the lowest horizon piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building wall.

BUILDING SEWER - The lateral extending from the building drain to the public sewer or other place of disposal.

CONTAMINATION - An impairment of the quality of the water of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

CROSS-CONNECTION **-** Any unprotected connection between any part of the water system and any service or system containing water or substance that is not approved as equally safe for human consumption.

CUSTOMER **-** A property owner with sewer service installed from a public sewerage system in the Town of Chazy to premises on said property.

DEVELOPER **-** Any person who subdivides or improves land for the purpose of constructing or causing to be constructed buildings for which sewer service is required.

DISTRICT **-** A sewer district of the Town of Chazy formed in accordance with the laws of New York State.

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

ENGINEER **-** A person or firm appointed by the Town Board to advise the Town Board on matters related to the public sewer system possessing licenses to practice engineering and conduct business in New York State.

EXTENSION **-** Attachment of a sewer line, with more than one user, to an existing sewer line.

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

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, dike, lake or other body of surface or ground water, other than a body of water constructed in accordance with applicable laws, for the express purpose of accepting sewage or effluent.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC - The New York State Department of Environmental Conservation or other duly authorized official of said Department.

NPDES - National Pollutant Discharge Elimination System permit program, whether administered by the United States Environmental Protection Agency or by the New York State Department of Environmental Conservation.

OUTSIDE USER - An owner or person whose property is located outside of any sewer district or extension thereto created by and located within the Town of Chazy.

OWNER - The person or persons, who legally own, lease or occupy private property with wastewater facilities which discharge or will discharge to the town wastewater facilities.

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

PREMISES - Any parcel of real property, including land, improvements or appurtenances, as buildings, grounds, etc.

PUBLIC WATER SYSTEM - All property, plant, pipes, tanks pump stations and other facilities and appurtenances, which are used to supply potable water to customers within the Town of Chazy.

PRETREATMENT - The reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

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

PUBLICLY OWNED TREATMENT WORKS (POTW) - A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), and includes any sewers that convey wastewater to the POTW, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

PUBLIC SEWER - A sewer in which all owners of abutting properties have equal rights and is controlled by public authority and is part of the POTW.

RESIDENTIAL USER - Premises used only for human residency and which are connected to the wastewater facilities.

SANITARY SEWER - A sewer, which carries sewage and to which storing, surface and ground waters are not intentionally admitted.

SERVICE AREA - The legally defined bounds of real property within the Town of Chazy in which sewage may be collected from the public sewer system. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined or consolidated only by action of the Town of Chazy Town Board.

SEWAGE - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage and which are considered part of the POTW.

SEWER - A pipe or conduit for carrying sewage

SEWERAGE WORKS - All facilities for collecting, pumping, treating and disposing of sewerage and which are considered part of the POTW

SEWER SYSTEM **-** All property, plant, pipes, tanks, pump stations and other facilities and appurtenances existing for the purpose of collecting and treating sewage, which is owned by the Town of Chazy.

SIGNIFICANT INDUSTRIAL USERS:

(1) All industries subject to promulgated Categorical Pretreatment Standards [twenty-one (21) primary industries].

(2) Industries having substantial impact, either singly or in combination with other contributing industries, on the operation of the treatment works.

(3) Manufacturing industries using, on an annual basis, more than ten thousand (10,000) pounds and/or one thousand (1,000) gallons of material containing priority pollutants/substances of concern and discharging a measurable amount of those pollutants to the sewer system from the process using these pollutants.

(4) Those industries discharging more than five percent (5%) of the flow or load carried by the municipal system receiving the waste.

SLUG - Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operation.

STANDARD METHODS - The latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Waterworks Association.

STATE - The State of New York.

STORM DRAIN or STORM SEWER - A sewer, which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT - The person(s) appointed by the Town Board to oversee operation and

maintenance of the waste water system(s) and otherwise carry out duties and functions defined herein and as may be prescribed by the Town Board.

TOWN - The Town of Chazy, Clinton County, State of New York and may, as appropriate, mean the Town of Chazy acting on behalf of a district.

TOWN BOARD - Town Board of the Town of Chazy, Clinton County, New York, acting on behalf of the town or on behalf of a district, as appropriate.

TOWN ENGINEER - The engineer hired by Town Board for the purposes of this chapter or his authorized agent or representative.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or USEPA The United States Environmental Protection Agency or the administrator or other duly authorized official of said agency.

WASTEWATER - The water-carried domestic, human or animal waste from residences, buildings, industrial establishments or other places, together with such ground infiltration, industrial and commercial wastes as may be present.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

3. Authority of Board.

A. Notwithstanding any other provisions of law, the admission into the town-owned public sewers of any industrial wastes shall be subject to the review and approval of the Town Board. The Board is hereby granted authority to enforce against any user within the town all requirements necessary to ensure compliance with the provisions of the rules and regulations of the Board.

B. In exercising its authority over users discharging industrial wastes into the town public sewer system, the Board may:

(1) Require pretreatment of the user's wastewater to a condition acceptable for discharge to the public sewer.

(2) Require the user to apply for and obtain an industrial wastewater discharge permit as a means of controlling the quantities and rates of discharge.

(3) Require payment by the user to cover any added cost of handling and treating the wastewater not covered by existing fees or charges.

(4) Require the development of compliance schedules by the user to meet any applicable requirements prescribed by the Board's rules and regulations.

(5) Require the user to submit such reports and supplemental information, which the Board deems necessary to assure compliance with any applicable requirements prescribed by the Board's rules and regulations.

(6) Carry out all inspection, surveillance and monitoring necessary to ascertain the user's compliance with applicable requirements prescribed by the Board's rules and regulations.

(7) Investigate or make inquiry in a manner to be determined by it, as to any condition within the town affecting the operation of the Sewage Treatment Plant, and as to any alleged act or omission or failure to comply with the Board's rules and regulations.

(8) Obtain remedies for noncompliance by any such user as specified in 7 of this Article.

(9) Reject the user's wastewater where the Board determines that the wastewater contains substances or possesses characteristics which have a deleterious effect on the sewage treatment plant and its appurtenant facilities or the processes, equipment or receiving waters of the treatment plant or which constitute a public nuisance or hazard.

(10) Take such other measures as it deems necessary and proper to ensure compliance with this Part, with applicable state and federal law and with the rules and regulations of the Board.

4. Inspections.

The Board and representatives of the Environmental Protection Agency (EPA) and the Department of Environmental Conservation (DEC), bearing proper credentials and identification, shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal, state and local law governing the use of the town public sewer system and with the provisions of the rules and regulations of the Board. The Board shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. The Board shall additionally have access to and may copy any records the user is required to maintain under the Rules and Regulations of the Board. 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.

5. Prohibited acts.

A. No user discharging or proposing to discharge wastewater into the town public sewer system shall violate any of the provisions of or fail to perform any duty imposed by the rules and regulations of the Board or any order or determination of the Board promulgated hereunder or the terms and conditions of any permit issued by the Board.

B. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is under the jurisdiction, ownership or control of the Board.

C. No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under the rules and regulations of the Board.

D. No person shall knowingly make any false statement in any application, report or other document required to be filed pursuant to any provision of the rules and regulations of the Board.

6. Industrial waste surcharge.

In addition to any other fees, charges, sewer rents or sanitary district taxes provided by law, industrial users shall pay to the Board an industrial waste surcharge for the privilege of using the joint sewage treatment plant for treating industrial wastes or other special wastes accepted for discharge into the town public sewer system. The industrial waste surcharge shall be computed and collected by the Board in accordance with its rules and regulations.

7. Penalties for offenses; civil penalties.

A. Any person who violates any provision of 5 above shall be liable to the Board for a civil penalty of not more than one thousand dollars ($1000.00) for each violation, to be assessed by the Board after a hearing or opportunity to be heard in accordance with the procedures set forth in the Board's rules and regulations. Each violation shall be a separate and distinct violation, and, in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Board's attorney in any court of competent jurisdiction.

B. In addition to the power to assess penalties as set forth in Subsection A above, the Board is hereby empowered, following a hearing or opportunity to be heard in accordance with the provisions of its rules and regulations, to issue an order in the name of the Board and of the town enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Board's attorney in any court of competent jurisdiction.

C. Any civil penalty or final order issued by the Board pursuant to Subsection B may be reviewed in a proceeding brought pursuant to Article 78 of the New York Civil Practice Law and Rules. Application for such review must be made within thirty. (30) days after service in person or by mail of a copy of the- determination or order upon the attorney of record for the applicant and of each person who has filed a notice of appearance; or upon the applicant in person, if not represented by an attorney.

D. Any person who willfully violates any provisions of 5 above shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. 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.

E. Any person violating any provision of 5 above shall, in addition, be liable to the Board for any expense, loss or damage occasioned to the Board by reason of such violation and any expense incurred in correcting the violation.

F. The Board's attorney, or the Town Attorney at the request of the Board, shall have the right to seek equitable relief in the name of the town to restrain the violation of or to compel compliance with any provision of 5 above.

G. Notwithstanding any inconsistent provision of law, whenever the Board finds, after investigation, that any user within the town is causing, engaging in or maintaining a condition or activity which, in its judgment, presents an insufficient danger to the public health, safety or welfare or to the environment or which is likely to result in irrevocable or irreparable damage to the hamlet of Chazy Sewer District Sewage Treatment Plant, and it therefore appears to be prejudicial to the public interest to delay action until notice

and an opportunity for a hearing can be provided, the Board may, without prior hearing, order such user, by notice in writing, wherever practicable, or in such other form as in the Board's judgment will reasonably notify such person whose 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. In the event of a user's failure to comply voluntarily with such emergency order or where the giving of notice is impracticable, the Board may take all appropriate action (including disconnecting the user's premises from the town public sewer system) in order to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) days, the Board shall provide the user an opportunity to be heard in accordance with the provisions of its rules and regulations.

8. Purpose.

The purpose this code is to regulate and control the use of the sanitary sewer system facilities of the Hamlet of Chazy Sewer District, to regulate the installation of lateral sanitary sewers and lateral sanitary sewer connections, provide specifications for all work pertaining to sewer connections, regulate private sewage disposal facilities, provide for financing of public sewer projects and, in general, to control and regulate the disposal of sewage and other wastes within the Town of Chazy.

9. General provisions.

A. The use of the Hamlet of Chazy Sewer District system shall be a privilege, not a right. Failure to comply with the requirements of this Part 2 may result in the termination of such privilege or discontinuance of service, in the discretion of the Town Board of the Town of Chazy. Such discontinuance of service may be in addition to the penalties hereinafter provided for.

B. The Town of Chazy assumes no responsibilities to provide sewer service to any building or property, which is located at such a place or elevation as to make such service impractical. Wherever service can be provided, the basement level of a residence or building will be served, unless the location and grade of the building or property is such that service at the basement level is not feasible or practical from either an economic or an engineering point of view. In such case, service shall be provided at such level as is feasible.

ARTICLE II

Public Sewers

10. Prohibited discharges.

It shall be unlawful to discharge to any natural outlet within the Town of Chazy any sewage or other pollution, except where suitable treatment has been provided in accordance with the provisions of this code.

11. Use required.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage within the sewer district boundaries.

12. Installation of toilet facilities; connection required.

The owner of all houses, buildings or properties used for human occupancy, situated within the district, or any extension thereto, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Article, within one (1) year after the completion of construction of a public sanitary sewer within said sewer district or extension thereto. In any case where the one-year time limitation imposes unusual hardship, the Town Board may grant an extension based upon the merits of the individual case, as set forth in a written application. If any owner shall fail to comply with the requirements of this section, the town, at its option, may install the required connection and assess the cost thereof against the affected property as provided in 201 of the Town Law.

13. Outside users.

It is the intention of the town to discourage outside users from connecting to public sewers within the town. Such persons are encouraged to petition the town to create new sewer districts in accordance with Article 12 of the Town Law. However, the town will consider entering into agreements for the use of public sewers by outside users on an individual basis when the creation or extension of a sewer district is not feasible, and the Town Board may, in its sole discretion, permit any person or corporation owning real estate outside a town sewer district which is adjacent to and within two hundred fifty (250) feet of one (1) boundary of such district to connect, at his own cost and expense, and to discharge sanitary sewage for disposal and treatment into the facilities of the district, subject to the restrictions to be prescribed by said Board. However, no such use shall be permitted outside of the town in which such district is located if such territory is served by another sewer district or a city, village or joint sewer system, unless any required approval of any state commission is, first obtained. The Town Board shall not permit said use under this section outside of the district if such use will reduce the discharge source so that it will not be sufficient for the district affected or its inhabitants. The holder of any permit so issued shall comply with all other requirements of this section and shall each year pay to the district to which it discharges its effluent one and one-half (1-1/2) times the annual capital benefit assessment that would have been levied against the property if it had been located within said district, in addition to user fees as described in this Code.

ARTICLE III
Private Disposal Systems

14. Systems permitted.

Notwithstanding the provisions of Article 111, the owners of structures where public facilities are not available may maintain private sewage disposal systems in connection with said structures, provided that such private facilities comply with the provisions of this Article.

Where no public facility is available, and until one becomes available, the owner shall operate and maintain the private sewage disposal facilities in a sanitary manner, at all times, at no expense to the town.

15. Requirements.

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

local health officer, if any. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

16. Construal of provisions.

Nothing contained in this Article shall be construed to interfere with or limit any additional requirements, which may be imposed by the local health officer.

ARTICLE IV
Building and Sewer Connections

17. Permit required.

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

B. No person, firm or corporation shall make an excavation in a public street or in an easement or right-of-way owned by the Town of Chazy for the purpose of connecting a lateral sanitary sewer with a public sewer line, and no person, firm or corporation shall connect a lateral sanitary sewer with a public sewer line without first having applied for and received a permit from the Superintendent allowing such excavation and/or connection at the place indicated on the permit. All permits shall be issued to the owners of the premises, who shall be responsible for compliance with this Code. All such connections and excavations shall be made in conformity with this Code and under the supervision of the Superintendent.

18. Permit fees.

The District shall collect a fee from the applicant prior to issuing any permit. The fee shall be one hundred dollars ($100.00) following the completion of construction of the public sanitary sewer to which the applicant will connect or following the completion of an improvement which must be connected to a public sewer under Article III, whichever is later.

19. Costs to be borne by owner; indemnification.

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

20. Installation requirements

Service taps, pipes, valves and other appurtenances shall be installed in accordance with Town of Chazy Standard Specifications and Details for Water and Waste Water Facilities, as adopted and/or modified from time to time by resolution of the Town Board.

21. Building drain connection; backwater valve.

A. Basement facilities will be connected only at the owner's risk and in all such cases a backwater valve shall be installed inside the building. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

B. All customers shall be responsible for installing and maintaining adequate vents and P-trap with structures.

22. Runoff and groundwater not permitted.

No connections of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building drain or building sewer, which in turn is connected directly, or indirectly to a public sewer shall be permitted.

23. Lateral connections.

The connection of the lateral sanitary sewer with the public sewer line shall be made at the wye or lateral provided for that purpose. This connection shall not be made at any other point without special permission from the Superintendent. All connections shall conform to appropriate specifications as may be established by the Town of Chazy. All such connections shall be gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

24. Inspection; connection.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

25. Excavations for connection.

A. Where the building sanitary sewer is to be laid in an earth bed, the excavation of the trench shall be cut to the finished grade. The bed shall be free of stones and unstable materials. Low spots shall be filled with select earth tamped into place. If the foundation material cannot be manipulated to form a suitable bed for the pipe, it shall be removed and a bed of sand or gravel tamped into its place. The trench for a house connection shall be opened to its full length before any pipe is laid therein. On approval of the Superintendent, the trench may be backfilled partially and filled before it is opened to its full length.

B. Whenever it is necessary to leave a connection before it is completed, the end of the pipeline must be securely closed with a tight fitting cover or plug. Any earth or other material entering the trunk sewer line through the open end of any lateral sanitary sewer shall be removed at the owner's expense. No tunneling will be allowed except where permission is obtained from the Superintendent, in which case it shall be done under his supervision and in accordance with his directions. All trenches shall be properly protected by sufficient sheathing and bracing where necessary. The earth fill over and around sewer pipes up to a depth of one (1) foot over the pipes must be carefully selected and free from large stones. Thereafter, the trench shall be filled and the surface of each trench shall be finished off in a smooth and workmanlike manner. All settlement occurring after the trenches have been refilled must be filled in by the owner or his agent. Upon the owner's failure to do so, the refilling may be done under the direction of the Superintendent or the Town Highway Superintendent and the cost of such work charged against the property owner.

C. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks,

parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town Highway Department.

ARTICLE V
Use Regulations

26. Storm water and drainage discharge.

A. No person shall discharge or cause to be discharged any storm-, ground- or surface water; roof runoff; subsurface drainage; or any other unpolluted water, including noncontact cooling water, to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers, as are specifically designated storm sewers or to a natural outlet approved by the Administrative Officer. Industrial noncontact cooling water or other unpolluted waters may be discharged, on approval of the Administrative Officer, to a storm sewer or natural outlet.

27. Prohibited discharges.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any liquids, solids 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 fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene and any other substances which the Joint Sewage Board, the DEC or EPA has notified the user as constituting a fire or explosion hazard to the system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease; shredded garbage with particles greater than one-half (1/2) inch in any dimension; animal guts or tissues, paunch manure, bones, hair, hides or fleshings; entrails; lime, stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; waste paper; wood; plastics; tar; asphalt residues; residues from the refining or processing of fuel or lubricating oil; mud; glass grinding or polishing wastes; snow and\or ice; or any other solid objects, materials, refuse and debris not normally contained in ordinary sewage.

C. Any wastewater having a pH less than six point zero (6.0) or higher than ten point zero (10.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process; to constitute a hazard to humans or animals; to create a toxic effect in the receiving waters of the treatment works; or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Act.

E. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

F. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the treatment works is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, RECRA or any state or federal requirements regarding solid or hazardous waste.

G. Any substance, which will cause the treatment, works to violate its State Pollutant Discharge Elimination System (SPDES) Permit or the receiving water quality standards.

H. Any wastewater with objectionable color not removed in the treatment process.

I. Any wastewater having a temperature, which will inhibit biological activity in the POTW treatment plant, resulting in interference, and in no case heated wastewater with a temperature at the introduction into the sewer system, which exceeds one hundred fifty degrees Fahrenheit (150' F.) [sixty-five and five-tenths degrees Celsius (65.5' C.)] or in such quantities that the temperature of wastewater at the POTW treatment works exceeds one hundred four degrees Fahrenheit (104' F.) [forty degrees Celsius (40' C.)].

J. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference with the treatment works.

K. Any wastewater, which causes a hazard to human life or creates a public nuisance.

28. Radioactive wastes.

No person shall discharge or cause to be discharged any radioactive materials or wastes into the POTW.

29. Discharge into manholes.

A. No person shall discharge substances directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer.

B. No person shall truck or discharge any holding tank wastes into a manhole or other opening in a sanitary sewer. All holding tank waste discharged to the POTW shall be discharged at a The Sewage Plant facility at locations designated by the Town Board. Each separate load of holding tank waste shall be registered with the operator of the treatment facility. The user shall pay the applicable charges or dumping fees and shall meet such other conditions as required by the Town Board. The Town Board shall have the right to inquire about the type of waste, the approximate volumes and the origin of holding tank wastes. The transporter of such wastes shall also have a waste transporting permit (6 NYCRR 364) issued by the DEC.

30. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with removable covers which, when mounted in place, shall be gastight and watertight. Approved grease traps shall be provided and maintained by all food service facilities. Oil/Water separators shall be provided and maintained by any individual, or business that discharges oil.

31. Dilution not permitted.

No discharger into any public sewer shall augment his use of process water or otherwise intentionally dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance the Code.

32. Substances not permitted for discharge.

No person shall discharge directly or indirectly into any public sewer wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or instantaneous basis. Concentration limits are applicable to wastewater effluents at a point just prior to discharge into a public sewer.

Substances	**Allowable Daily Average Effluent Concentration Limit (milligrams per liter)[2]**
Cadmium	0.30
Chromium (total)	12.0
Copper	8.0
Lead	2.5
Nickel	7.0
Zinc	20.0
Mercury	0.00

NOTES:

1 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 less than two (2) without prior filtration.

2 As determined by a composite sample taken of the user's daily discharge over the operational and/or production period.

33. Control manholes.

When required by Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary

meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

34. Reference standard; sample testing.

All definitions, measurements, tests and analysis of the characteristics of water and wastes to which reference is made in this Code shall be determined or shall be in accordance with standard methods or other references as may be approved by the town. The location and method of obtaining samples for testing shall be as determined the Superintendent.

35. Agreements for unusual discharges permitted.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefore by the industrial concern and subject to compliance with the rules and regulations of the Town Board.

36. Notice of accidental discharge; liability.

An industrial user shall notify the Town Board immediately upon accidentally discharging wastes in violation of this Part. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken **to** prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the town under applicable state and federal regulations.

37. Order to cease and desist.

The town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this Part or the wastewater discharge permit to:

A. Comply forthwith; or
B. Comply in accordance with a time schedule set forth by the town; or
C. Take appropriate remedial or preventive action in the event of a threatened violation.

ARTICLE VI
Tampering with System

38. Damage prohibited; false reporting.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the POTW. Any person who knowingly makes any false statement, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall be punished by the town.

ARTICLE VII
Administration; Penalties

39. Right of entry.

Duly authorized employees of the town and representatives of the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The Superintendent and his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond those having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

40. Safety; indemnification.

While performing the necessary work on private properties referred to in 47 above, the Superintendent or duly authorized employees of the town and the NYSDEC and USEPA shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company.

41. Entry into easements.

The Superintendent and other duly authorized employees of the town and representatives of the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in fall accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII
Charges and Bills

42. User fees.

User fees shall be assessed to each property within the service area for the purposes of retiring debt. User fees and formulas for determining user fees shall be established in accordance with New York State Town Law and may be modified from time to time by resolution of the Town Board.

43. Additional payments.

The town may require additional payments from a user to cover the added cost of handling and treating special wastes.

44. Sewer rates and billing schedule.

All persons utilizing sewer from the public sewer system shall pay a sewer service charge based on the quantity of sewer so utilized, which charge shall be collected as a sewer rent. Sewer rents shall be fixed from time to time by resolution of the Town Board. Nothing herein contained shall

prevent the Town Board of the Town of Chazy from establishing separate schedules of rates for separate sewer districts. Sewer bills shall be rendered for residential customers; for commercial, industrial, agricultural customers; and other customers with usage significantly greater than that of a typical single-family home, at the discretion of the Superintendent. Bills shall be payable at such times and places as may be designated by the Town Board. All bills will be sent to property owners with copies to tenants, if any. The Town Board may provide appropriate penalties for nonpayment of bills, including a shut off of the sewer supply.

45. Delinquent payments.

A. If there shall be any payments which are due to the Town of Chazy, or any department or district thereof, pursuant to any article or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Town of Chazy, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty and interest shall accrue on the unpaid balance retroacted to the date of the original billing.

B. In the event there are any sewer bills, taxes, assessments, fees, rents or other service charges which shall have been delinquent as of the due date of the 4th quarter billing, the Collection Clerk shall report the names of the defaulting persons to the Town of Chazy Town Board, the Town of Chazy Town Clerk, and the Town of Chazy Supervisor on or before the due date of the 4th quarter billing. The Town of Chazy Town Clerk is hereby directed to direct the county to add the entire amount of the sewer tax, assessment or other service charge which shall be in default, plus penalty and interest, as provided for in this chapter, to the real property taxes due and owing to the Town of Chazy in the next succeeding year, and the Town of Chazy Tax Collector is directed to collect the same in the same manner as real property taxes due and owing to the Town of Chazy are collected.

C. Where charges are delinquent and the violator is not a resident of the Town of Chazy or is located outside the geographical boundaries of the Town of Chazy or in such instance where no real property taxes are due and owing to the Town of Chazy, then the Town of Chazy 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 customer is located to add the amount of the sewer assessment and/or other charges which shall be in default, plus penalty and interest, as provided for in the law, to the real property taxes due to the county in the next ensuing year.

46. Charges when meter malfunctions.

Sewer bills shall be computed in accordance with water meter readings. No deduction will be made for leakage. If the meter fails to accurately record the quantity used, it shall be determined and the charge made based upon the quantity used in the preceding billing period, or the corresponding period of the preceding year, or upon a corrected sewer bill as shown by a meter test, as the Superintendent may, at his discretion, determine.

ARTICLE IX
Enforcement

47. Administrative remedies.

A. **Notification of violation**. Whenever the Superintendent finds that any user has violated or is violating this chapter or any permit, order, prohibition, limitation or requirement permitted by this chapter, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent, 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.

B. **Consent orders**. The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

C. **Administrative or compliance orders.**

(1) When the Superintendent finds that a user has violated or continues to violate this chapter or a permit or administrative order issued thereunder, he may issue an administrative order to the user responsible at the direction of the Town Board directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance.

(2) The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

(a) Reject any frivolous petitions;

(b) Modify or suspend the order; or

(c) Order the petitioner to show cause in accordance with Subsection H and may as part of the show cause notice request the user to supply additional information.

D. **Administrative fines**.

(1) Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permit or administrative order issued hereunder,

shall, at the discretion of the Town Board, be fined in an amount not to exceed $1,000 per violation, payable to the District. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

(2) The user may, within 15 calendar days of notification of the Superintendent's notice of such fine, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

(a) Reject any frivolous petitions;

(b) Modify or suspend the fine; or

(c) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

E. Cease and desist orders

(1) When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Town Board may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

(a) 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 service.

(2) The user may, within 15 calendar days of the date the Town Board issues notification of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- **(a)** Reject any frivolous petitions;

(b) Modify or suspend the order; or

(c) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information. F. - Termination of permit.

(3) Any user who violates the following conditions of this chapter or a permit or administrative order, or any applicable state and federal law, is subject to permit termination:

(a) Violation of permit conditions or conditions of an administrative order;

(b) Failure to terminate, relieve or remove a cross-connection;

(c) Refusal of reasonable access to the user's premises for the purpose of

inspection or monitoring; or

(d) Failure to pay administrative fines, fees or user charges.

(4) The user may, within 15 calendar days of the date the Town Board issues such notification, petition the Town Board to permit continued use of the service by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Town Board shall then:

(a) Reject any frivolous petitions; or

(b) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

G. Sewer supply severance

(1) Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, sewer service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its compliance or ability to comply.

(2) The user may, within 15 calendar days of severance, petition the Superintendent to reconnect sewer supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail, return receipt The Superintendent shall then:

(a) Reject any frivolous petitions;

(b) Modify or suspend the order; or

(c) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

H. Show cause hearing

(1) The Town Board may order any user appealing administrative remedies for violations of this chapter to show cause, before the Town of Chazy Town Board, why an enforcement action, initiated by the Superintendent, 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 of Chazy 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 of Chazy Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with Subsection I. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment or to owner or owners occupant in the case of a residential service. The notice of the hearing shall be served at least 10 calendar days before the hearing, in accordance with Subsection J.

(2) The Town of Chazy Town Board may itself conduct the hearing or may designate any of its members or any officer or employee of the Town of Chazy to conduct the hearing and may:

(a) Issue, in the name of the Town of Chazy 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.

(b) Take the evidence

(c) Take sworn testimony.

(d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town of Chazy Town Board for action thereon.

(3) After the Town of Chazy Town Board has reviewed the evidence testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.

Failure of user to petition the Superintendent. In the event that the Superintendent issues any administrative order, terminates the user's permit or makes any fine as set forth in this section and the user fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate subsections of this section, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Notice. The notices, orders, petitions or other notification which the user or Superintendent shall desire or be required to give pursuant to any sections of this chapter shall be in writing and shall be served personally or sent by registered mail, return receipt requested, postage prepaid and the notice, order, petition or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order or communication mailed to the user pursuant to the sections of this chapter shall be mailed to the user where the user's service is connected into district lines. Any notice, petition or other communication mailed to the Superintendent shall be addressed and mailed to the Town of Chazy, PO Box 217 Chazy, New York 12921.

K. **Right to choose multiple remedies**. The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this section. The Superintendent may utilize more than one administrative remedy established pursuant to this section, and the Town Board may hold one show cause hearing combining more than one enforcement action.

48. **Judicial remedies**.

A. **Civil actions for penalties**

(1) Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any administrative order or determination of the Superintendent promulgated under this chapter or the terms of any permit issued hereunder shall be liable to the Town of Chazy for a civil penalty not to exceed $1,000 for each such violation, to be assessed after a hearing (unless, the user waives the right to a hearing) held in conformance with the procedures set forth in this section. Each violation shall be a separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town of Chazy Attorney, or his designated attorney, at the request of the Superintendent in the name of the Town of Chazy, in any court of competent jurisdiction giving preference to courts local to the Town of Chazy. In addition to the above described penalty, the Superintendent may recover all damages incurred by the Town of Chazy from any persons or users who violate any provisions of this chapter, or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Superintendent promulgated under this chapter, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Town of Chazy in enforcing the provisions of this chapter, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) 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.

(3) Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Town of Chazy Attorney, and where such matter has been referred to the Town of Chazy Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town of Chazy Attorney, with the consent of the Superintendent

B. Court orders.

(1) In addition to the power to assess penalties as set forth in this section, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this section, to seek an order:

(a) Suspending, revoking or modifying the violator's permit; or

(b) Enjoining the violator from continuing the violation.

(2) Any such court order shall be sought in an action brought by the Town of Chazy Attorney, at the request of the Superintendent, in the name of the Town of Chazy, in any court of competent jurisdiction giving precedence to courts local to the Town of Chazy.

(3) The Town of Chazy Attorney, at the request of the Superintendent shall petition the Court to impose, assess and recover such sums imposed according to this section. 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.

C. Criminal penalties.

(1) Any person who willfully violates any provision of this chapter or any final determination or administrative order of the Superintendent made in accordance with this section shall be guilty of a Class A Misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $500 nor more than $1,000, or imprisonment not to exceed one year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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

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

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

E. Summary abatement. Notwithstanding any inconsistent provisions of this chapter, whenever the Superintendent finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in severe damage to the sewer 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 Superintendent may, without prior hearing, order such user by notice, in writing, wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this section.

49. Conflicts.

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