

- B. The cleanout diameter shall be no less than the building lateral diameter.

§ 202-49. Costs borne by owner; indemnification of village.

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

**ARTICLE VII
Inflow**

§ 202-50. New sources prohibited.

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

§ 202-51. Existing sources to be disconnected.

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

§ 202-52. Existing sources to be disconnected when property sold.

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

§ 202-53. No reconnection of source allowed.

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

§ 202-54. Charges.

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

ARTICLE VIII
Trucked and Hauled Waste

§ 202-55. License required; license and dumping fees.

- A. The discharge of trucked or hauled wastes into the village sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Superintendent. Applicants for such license shall apply on a form provided by the Superintendent. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR 364, approximate annual septage volume expected, service area and any other

information that the Superintendent may require to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Superintendent, not to exceed one hundred dollars (\$100.).

- B. The licensee of trucked or hauled wastes will also be charged a fee for each dumping, in accordance with Article XII. The dumping fee shall be paid prior to dumping.

§ 202-56. Conditions of license.

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

§ 202-57. Dumping location and timing.

The Superintendent may require discharging at only certain locations within the POTW and only at certain times and on only certain days of the week or seasons of the year as shall be stated on said license or as may be relocated by the Superintendent, after appropriate notice. The time and conditions for permissible discharge shall be as set forth on the license or as may be revised by the Superintendent after appropriate notice.

§ 202-58. Notification of dumping; inspection of load; extra costs.

Each discharge of trucked or hauled wastes shall be made only with the approval of the Superintendent. The Superintendent may require inspection, sampling and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling and analysis shall be paid by the licensee.

ARTICLE IX
Discharge Restrictions

§ 202-59. Pretreatment standards.

All users of the village POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR 406 through 471.

§ 202-60. General prohibitions.

- A. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical

Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

- B. Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:
- (1) Any solids, liquids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious in any way to the POTW or to the operation of the POTW. At no time shall both of two (2) 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 twenty-five percent (25%) nor any single reading be more than forty percent (40%) of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides and sulfides and any other substance which the village, the state or the EPA has determined to be a fire hazard or a hazard to the POTW.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include but are not limited to grease, garbage with particles greater than one-half ($1/2$) inch in any dimension, 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 five point zero (5.0) or greater than ten point zero (10.0), unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or POTW personnel.
- (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, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(A) of the Act.
- (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 degrees centigrade (10° C.) [fifty degrees Fahrenheit (50° F.)]; any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in excess of one hundred (100) milligrams per liter 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 sixty-five degrees centigrade (65° C.) [one hundred fifty degrees Fahrenheit (150° F.)]; however, such materials shall not cause the POTW treatment plant influent temperature to be greater than forty degrees centigrade (40° C.) [one hundred four degrees Fahrenheit (104° F.)]. The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than sixty-five degrees centigrade (65° C.).
- (10) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.
- (11) Any wastewater containing any radioactive wastes, except as approved by the Superintendent and in compliance with applicable state and federal regulations.
- (12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (13) Any wastewater with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140° F.) or sixty degrees centigrade (60° C.) using the test methods specified in 40 CFR 261.21.
- (14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

§ 202-61. Concentration-based limitations.

A.² No person shall discharge, directly or indirectly, into the POTW wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in this section. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW (end of pipe concentrations).

Effluent Concentration Limit*

Substance¹	Allowable Average Daily² (mg/l)
Aluminum	50.00
Arsenic	1.00
Barium	2.00
Beryllium	0.15
Bromine	1.00
Cadmium	1.00
Chlorides	50.00
³ Chlorine	1.50
Chromium (hex)	1.00
Chromium (tot)	2.00
Copper	5.00
Cyanide (complex)	0.50
Cyanide (free)	0.50
Fluorides	10.00
Gold	0.50
Hydroquinone	0.10
Iodine	2.00
Iron	10.00
Lead	0.50
Manganese	1.00
Mercury	0.25

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Substance¹	Allowable Average Daily² (mg/l)
Molybdenum; nickel	2.00
Phenols, total	0.10
Selenium	1.00
Silver	1.00
Sulfates; sulfides	3.00
Zinc	5.00

*SOURCE: Previous Industrial Ordinance for Sherburne, on file in the office of the Village Clerk.

NOTES:

¹Except 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 two (2) or less, without prior filtration.

²As determined on a composite sample taken from the user's daily discharge over a typical operational and/or production day.

³As determined on a grab sample taken from the user's discharge at any time during the daily operational and/or production period.

B. Other substances which may be limited are:

- (1) Antibiotics.
- (2) Chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable or explosive compounds.
- (3) Pesticides, including algaecides, fungicides, herbicides, insecticides and rodenticides.
- (4) Polyaromatic hydrocarbons.

- (5) Viable pathogenic organisms from industrial processes or hospital procedures.

§ 202-62. Mass-discharge-based limitations.

- A. At no time shall the influent to the POTW contain quantities in excess of those specified below:

Substance	Allowable Influent Loading Average Daily (pounds per day)
Aluminum	11
Arsenic	0.22
Barium	0.44
Beryllium	0.03
Cadmium	0.22
Chromium (hex)	0.22
Chromium (total)	0.44
Copper	1.1
Cyanide (complex)	0.11
Cyanide (free)	0.11
Gold	0.11
Hydroquinone	0.2
Iron	22
Lead	0.11
Mercury	0.05
Nickel	0.44
Phenols (total)	0.02
Selenium	0.22
Silver	0.11
Zinc	1.1

- B. To assure that none of the above-noted limitations are violated, the Superintendent shall issue permits to significant industrial users limiting the discharge of the substances noted above. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading.

- (1) In determining what portion of the total of each substance that each significant industrial user shall be allowed to discharge, the Superintendent shall consider:
 - (a) The quantities of each substance that are uncontrollable because they occur naturally in wastewater;
 - (b) The quantities of each substance that are anthropogenic, but are nonetheless uncontrollable;
 - (c) Historical discharge trends;
 - (d) Past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;
 - (e) Potential for growth in the POTW service area;
 - (f) Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and
 - (g) Treatability of the substance.
 - (2) The Superintendent shall apply a minimum fifteen-percent safety factor to be protective of the POTW.
- C. Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under § 202-60.

§ 202-63. Modification of limitations.

- A. Limitations on wastewater strength or mass discharge contained in this chapter may be supplemented with more stringent limitations when, in the opinion of the Superintendent:
 - (1) The limitations in this chapter are not sufficient to protect the POTW;

- (2) The limitations in this chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit;
 - (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the village desires as a result of discharge of wastewaters at the above-prescribed concentration limitations;
 - (4) Municipal employees or the public will be endangered; or
 - (5) Air pollution and/or groundwater pollution will be caused.
- B. The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the Village Board. This chapter shall then be amended appropriately. Any issued industrial wastewater discharge permits which have limitations, based directly on any limitations which were changed, shall be revised and amended as appropriate.

§ 202-64. Dilution.

- A. 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.
- B. Dilution flow shall be considered to be inflow.

§ 202-65. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of

grease, flammable substances, sand or other harmful substances, except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner, at the owner's expense.

ARTICLE X

Discharge Permits and Pretreatment Requirements

§ 202-66. Reports.

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

§ 202-67. Notification of pretreatment standards to industrial users.

The Superintendent shall from time to time notify each industrial user of applicable pretreatment standards and of other applicable requirements under Sections 204(B) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

§ 202-68. Permits required; exemptions.

- A. Wastewater discharge permits. No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit issued by the Superintendent. Significant industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter.
- B. Wastewater discharge permits required for significant industrial users. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within thirty (30) days after the effective date of this chapter and shall obtain such a permit within ninety (90) days after making application.
- C. Other industrial users. The Superintendent may issue wastewater discharge permits to other industrial users of the POTW.
- D. Discharge permits to storm sewers not authorized. The village does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

§ 202-69. Permit regulations.

- A. Application information.
 - (1) Industrial users required to obtain a wastewater discharge permit shall complete and file with the Superintendent an application in the form prescribed by the village. The application shall be accompanied by a fee, as set forth in § 202-105. In support of any application, the industrial user shall

submit, in units and terms appropriate for evaluation, the following information:

- (a) The name, address and location (if different from the address).
- (b) The SIC code of both the industry and any categorical processes.
- (c) Wastewater constituents and characteristics, including but not limited to those mentioned in this Article 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.
- (d) The time and duration of the discharge.
- (e) The average daily peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances.
- (g) A description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (h) Each product produced by type, amount, process or processes and the rate of production.
- (i) The type and amount of raw materials processed (average and maximum per day).
- (j) The number and type of employees and the hours of operation and proposed or actual hours of operation of the pretreatment system.
- (k) 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.

- (l) If additional pretreatment and/or O&M will be required to meet the standards, 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:
 - [1] The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and beginning routine operation).
 - [2] No increment referred to in Subsection A(1)(l)[1] above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
 - [3] No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether or

not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

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

(2) The Superintendent will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the village may issue a wastewater discharge permit subject to terms and conditions provided herein.

B. Permit modifications.

- (1) Wastewater discharge permits may be modified by the Superintendent, upon thirty (30) days' notice to the permittee, for just cause. "Just cause" shall include but not be limited to:
 - (a) Promulgation of an applicable National Categorical Pretreatment Standard.
 - (b) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13.
 - (c) Changes in general discharge prohibitions and local limits as per § 202-61 of this chapter.
 - (d) Changes in processes used by the permittee or changes in discharge volume or character.
 - (e) Changes in design or capability of any part of the POTW.

- (f) Discovery that the permitted discharge causes or contributes to pass-through or interference.
 - (g) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.
- (2) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as set forth in § 202-69A(1)(1)[1].
- C. Permit conditions. Wastewater discharge permits shall be expressly subject to all the provisions of this chapter and all other applicable regulations, user charges and fees established by the village. Permits may contain the following:
- (1) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
 - (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
 - (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
 - (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports.
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as

specified by the village, and affording the Superintendent access thereto.

- (9) Requirements for notification of the village of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
 - (10) Requirements for the notification of the village of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (11) Requirements for notification of excessive, accidental or slug discharge.
 - (12) Other conditions as deemed appropriate by the village to ensure compliance with this chapter and state and federal laws, rules and regulation.
- 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.
- E. Permit reissuance. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Superintendent during the term of the permit as limitations or requirements as identified in § 202-69B or other just cause exists. The user shall be informed of any proposed changes in their permit at least thirty (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 § 202-69A(1)(l)[1].
- 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, a new user, a different premises or a new or changed operation.

- 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 Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges and failure to meet compliance schedules.
- H. Public notification. The village will publish in the village official daily newspaper(s) informal notice of intent to issue a wastewater discharge permit at least fourteen (14) days prior to issuance.

§ 202-70. Reporting requirements for permittee.

The reports or documents required to be submitted or maintained under this Article shall be subject to the provisions of 18 U.S.C. § 1001 relating to fraud and false statements, the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification and the provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.

- A. Baseline monitoring report. Within one hundred eighty (180) days after promulgation of an applicable Federal Categorical Pretreatment Standard, a user subject to that standard shall submit to the Superintendent the information required by § 202-69A(1)(h) and (i).
- B. Ninety-day compliance report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's

facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

C. Periodic compliance reports.

- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 202-69A. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two (2) reports shall be submitted per year.
- (2) The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 202-70C(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of

discharge sampling and analysis, including the flow and the nature and concentration or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All 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 chapter and/or the user's discharge permit, the user shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user's discharge at least once a month 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 Superintendent may impose reporting requirements equivalent to the requirements imposed by § 202-70C for users not subject to pretreatment standards.

§ 202-71. Flow equalization.

No person shall cause the discharge of slugs to the POTW. Each person discharging into the POTW greater than one hundred thousand (100,000) gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall

be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

§ 202-72. Monitoring stations (control manholes).

- A. 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.
- B. If there is more than one (1) street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.
- C. The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent or the Superintendent's designated representative.

§ 202-73. Proper design and maintenance of facilities and monitoring stations.

Preliminary treatment and flow equalization facilities or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean and safe and continuously operational by the owner at their expense. Where an industrial user has such treatment, equalization or monitoring facilities at the time this chapter is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization or monitoring are required, plans and

specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

§ 202-74. Damage and tampering with facilities and measuring devices.

Except as approved by the Superintendent, 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:

- A. Any structure, appurtenance or equipment which is a part of the village POTW; or
- B. Any measuring, sampling and/or testing device or mechanism installed pursuant to any requirement under this chapter.

§ 202-75. Sampling and analysis.

- A. Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- B. All measurements, tests and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with standard methods by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in § 202-72, 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).

§ 202-76. Accidental discharges; SPCC plan.

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

These plans and procedures shall be called a "Spill Prevention, Control and Countermeasure (SPCC) Plan." The plan shall address, at a minimum, the following:

- (1) A description of discharge practices, including nonroutine batch discharges.
- (2) A description of stored chemicals.
- (3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard.
- (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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment and emergency response.

§ 202-77. Posting notices.

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

§ 202-78. Sample splitting.

When so requested in advance by an industrial user and when taking a sample of industrial wastewater, the village's representative(s) shall gather sufficient volume of sample so

that the sample can be split into two (2) nearly equal volumes, each of a size adequate for the anticipated analytical protocols, including any quality control (QC) procedures. One (1) of the volumes shall be given to the industry whose wastewater was sampled and the other shall be retained by the village for its own analysis.

§ 202-79. Access to information.

- A. When requested, the Superintendent shall make available to the public for inspection and/or copying information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs and inspections, unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics and reports of accidental discharges shall not be recognized as confidential.
- B. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies for uses related to this chapter or the SPDES permit, provided that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

§ 202-80. Access to property and easements; liability of property owner.

- A. Access to property. The Superintendent and other authorized representatives of the village and representa-

tives of EPA, NYSDEC, NYSDOH and/or Chenango County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all nonresidential properties at all times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal and state law governing the use of the village POTW and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up on the user's property or property rented/leased by the user such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that, upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

- B. Access to easements. The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the village holds an easement for the purpose of inspection, observation, measurement, sampling, repair and maintenance of any portion of the village public 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.
- C. Liability of property owner. During the performance, on private premises, of inspections, sampling or other

similar operations referred to in § 202-79A and 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.

§ 202-81. Special agreements.

- A. Nothing in this Article shall be construed as preventing any special agreement or arrangement between the village and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges as may be applicable. In entering into such a special agreement, the Village Board shall consider whether the wastewater will:
- (1) Pass through or cause interference.
 - (2) Endanger the public municipal employees.
 - (3) Cause violation of the SPDES permit.
 - (4) Interfere with any purpose stated in §§ 202-1 and 202-2.
 - (5) Prevent the equitable compensation to the village for wastewater conveyance and treatment and sludge management and disposal.

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

ARTICLE XI
Enforcement and Penalties

§ 202-82. Enforcement response plan.

- A. The Superintendent 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 POTW. All violations by users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- (1) The enforcement response plan shall:
 - (a) Describe how the Superintendent will investigate instances of noncompliance.
 - (b) Describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow up these actions.
 - (c) Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.
 - (2) The enforcement response plan shall contain:
 - (a) Criteria for scheduling periodic inspection and/or sampling visits to POTW users.
 - (b) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.

- (c) Systems to track due dates, compliance schedule milestones and pending enforcement actions.
 - (d) Criteria, responsible personnel and procedures to select and initiate an enforcement action.
- (3) The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as the magnitude of the violation, the duration of the violation, the effect of the violation on the receiving water, the effect of the violation on the POTW, the effect of the violation on the health and safety of the POTW employees, the compliance history of the user and the good faith of the user and shall promote consistent and timely use of enforcement remedies.
- B. The Village Board shall approve the enforcement response plan. The enforcement response plan shall be reviewed at least every five (5) years.

§ 202-83. Notification of violation.

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

§ 202-84. 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. Consent orders shall have the same force and effect as an administrative order.

§ 202-85. Administrative or compliance orders.

- A. When the Superintendent finds that a user has violated or continues to violate this chapter or a permit or administrative order issued thereunder, the Superintendent may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology and additional self-monitoring and management practices.
- B. The user may, within fifteen (15) calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (1) Reject any frivolous petitions.
 - (2) Modify or suspend the order or order the petitioner to show cause in accordance with § 202-90 and may, as part of the show cause notice, request the user to supply additional information.

§ 202-86. Administrative fines.

- A. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter or a wastewater discharge permit or administrative order issued hereunder shall be fined in an amount not to exceed one thousand dollars (\$1,000.) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
- B. The user may, within fifteen (15) calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions.
 - (2) Modify or suspend the fine or order the petitioner to show cause in accordance with § 202-90 and may, as part of the show cause notice, request the user to supply additional information.

§ 202-87. Cease and desist orders.

- A. When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
- (1) Comply forthwith.
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

- B. The user may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
- (1) Reject any frivolous petitions.
 - (2) Modify or suspend the order or order the petitioner to show cause in accordance with § 202-90 and may, as part of the show cause notice, request the user to supply additional information.

§ 202-88. Termination of permit.

- A. Any user who violates the following conditions of this chapter 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.
 - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - (3) Failure to report significant changes in operations or wastewater constituents and characteristics.
 - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- B. Noncompliant industrial users will be notified by registered mail of the proposed termination of their wastewater permit.
- C. The user may, within fifteen (15) calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions.
- (2) Order the petitioner to show cause in accordance with § 202-90 and may, as part of the show cause notice, request the user to supply additional information.

§ 202-89. Water supply severance.

- A. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence at the user's expense after it has satisfactorily demonstrated its ability to comply.
- B. The user may, within fifteen (15) calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (1) Reject any frivolous petitions.
 - (2) Reconnect the water supply or order the petitioner to show cause in accordance with § 202-90 and may, as part of the show cause notice, request the user to supply additional information.

§ 202-90. Show cause hearing.

- A. The Superintendent may order any user appealing administrative remedies for violations of this chapter to show cause before the Village 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 Village Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Village Board why the proposed enforcement action should not

be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with § 202-92 of this Article. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with § 202-92.

- B. The Village Board may itself conduct the hearing or may designate any of its members or any officer or employee of the village to conduct the hearing as follows:
- (1) Issue, in the name of the Village Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Take sworn testimony.
 - (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.
- C. After the Village Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine or vacate the Superintendent's order or fine.

§ 202-91. Failure of user to petition 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 Article, and the user fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this Article, the user shall be deemed in default, and its rights to contest the administrative order or fine shall be deemed waived.

§ 202-92. Notice procedure.

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

§ 202-93. Right to choose multiple remedies.

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one (1) or more appropriate administrative remedies set forth in this Article. The Superintendent may utilize more than one (1) administrative remedy established pursuant to this Article, and the Superintendent may hold one (1) show cause hearing combining more than one (1) enforcement action.

§ 202-94. Civil penalties for offenses.

- A. 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 village for 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 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 Village Attorney or its designated attorney, at the request of the Superintendent in the name of the village, in any court of competent jurisdiction, giving preference to courts local to the village.

- B. In addition to the above-described penalty, the Superintendent may recover all damages incurred by the village from any persons or users who violate any provisions of this chapter or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Superintendent promulgated under this chapter or the terms of any permit issued hereunder.
- C. In addition to the above-described damages, the Superintendent may recover all reasonable attorney's fees incurred by the village in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- D. 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.
- E. Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Village Attorney, and where such matter has been referred to the Village Attorney, any such penalty may be released or compromised, and any action commenced to recover the same may be settled and discontinued by

the Village Attorney with the consent of the Superintendent.

§ 202-95. Court orders.

- A. In addition to the power to assess penalties as set forth in this Article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in 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.
- B. Any such court order shall be sought in an action brought by the Village Attorney, at the request of the Superintendent, in the name of the village, in any court of competent jurisdiction, giving precedence to courts local to the village.
- C. The Village Attorney, at the request of the Superintendent, shall petition the Court to impose, assess and recover such sums imposed according to this Article. In determining the 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.

§ 202-96. Criminal penalties for offenses.

- A. 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 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.

- B. Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater 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 one thousand dollars (\$1,000.) per violation per day or imprisonment for not more than one (1) year, or both.
- C. No prosecution under this section shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

§ 202-97. Additional injunctive relief.

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

§ 202-98. Summary abatement.

- A. Notwithstanding any inconsistent provisions of this chapter, whenever the Superintendent finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent

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

- B. If the user is not within the geographic boundaries of the village, the right of summary abatement to discontinue, abate or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement.
- C. The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of the Superintendent's duties to protect the public health, safety or welfare or to preserve the POTW or the environment.

§ 202-99. Delinquent payments.

- A. If there shall be any payments which are due to the village or any department 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 twenty (20) calendar days from the date of billing by the village,

the same shall constitute a default and there shall be added to the entire amount of the original bill a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance at the rate of two percent (2%) per month, retroactive to the date of the original bill.

- B. In the event that there are any sewer taxes, assessments or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the Superintendent shall report the names of the defaulting persons to the Village Supervisor, the Village Clerk, the Assessor and the Village Treasurer on or before December 15 of the same year. The Assessor is hereby directed to add the entire amount of the sewer tax, assessment or other service charge which shall be in default, plus penalty and interest, as provided for in this chapter, to the real property taxes due and owing to the village in the next succeeding year, and the Assessor is directed to collect the same in the same manner as real property taxes due and owing to the village are collected.
- C. Where charges are delinquent and the violator is not a resident of the village or is located outside the geographical boundaries of the village, then the Village Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in this chapter, to the real property taxes due to the county in the next ensuing year.

§ 202-100. Performance bonds.

The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder,

unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

§ 202-101. Liability insurance.

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

§ 202-102. Informant rewards.

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

§ 202-103. Public notification.

The Superintendent shall provide public notification in the daily newspaper with the largest circulation in the village of users which were in significant noncompliance 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.

§ 202-104. Contractor listings.

- A. Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the village.
- B. Existing contracts for the sale of goods or services to the village held by a user found to be in significant violation with pretreatment standards may be terminated at the discretion of the Village Board.

**ARTICLE XII
Charges**

§ 202-105. Normal sewage service charges. [Amended 1-26-1998 by L.L. No. 1-1998; 1-20-1999 by L.L. No. 2-1999]

- A. All persons discharging or depositing wastes into the public sewer shall pay a service charge which shall be based on a unit charge system. Copies of the current rate schedule are available at the office of the Village Clerk.
- B. Charges are set at \$204 per year per unit or \$17 per month per unit effective on the April 1, 1999, billing quarter.
- C. Pursuant to General Municipal Law § 452, all future sewer charges will be determined by Village Board of Trustees resolution subject to a public hearing.

§ 202-106. Billing period.

The billing period for all sewer users shall be quarterly (once every three months).

§ 202-107. Pretreatment program costs.

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

- A. Reimbursement of costs of setting up and operating the pretreatment program.
- B. Issuing permits.
- C. Monitoring, inspections and surveillance procedures.
- D. Costs of equipment and supplies.

(Cont'd on page 20309)

- E. Reviewing accidental discharge procedures.
- F. Construction inspections.
- G. Filing appeals.
- H. Application for consistent removal status as outlined in 40 CFR 403.
- I. Other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the NYSDEC and the federal government.

§ 202-108. Capital recovery.

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

§ 202-109. Collection of charges.

Provisions of Article XI of this chapter relating to the collection of penalties shall apply to the collection of sewer service charges and abnormal sewage service surcharges, unless where otherwise provided by application of the Sewer Rent Law by the village.³

§ 202-110. Fiscal year for system.

The POTW shall be operated on the basis of a fiscal year commencing on the first day of March and ending on the last day of February.

³ Editor's Note: See Article 14-F of the General Municipal Law.

§ 202-111. Impact fees.

The Village Board shall have the authority to impose impact fees on new development, which development may cause:

- A. Enlargement of the service area of the POTW.
- B. Increased hydraulic and/or treatment demands on the POTW.

§ 202-112. Use of revenues.

Revenues derived from user charges and associated penalties and impact fees shall be credited to a special fund. Moneys in this fund shall be used exclusively for the following functions:

- A. For the payment of the operation and maintenance, including repair and replacement costs of the village POTW.
- B. For the discovery and correction of inflow and infiltration.
- C. For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the village POTW.
- D. For the extension, enlargement, replacement of and/or additions to the village POTW, including any necessary appurtenances.

§ 202-113. Records and accounts.

- A. The village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The village will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public

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accountant and will supply such audit report to authorized officials and the public, on request.

- B. In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.
- C. Classification of old and new industrial users should also be reviewed annually.
- D. The village shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

ARTICLE XIII

Public Disclosure of POTW Operations

§ 202-114. Policy of full disclosure.

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

§ 202-115. Procedural requirements available.

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

§ 202-116. Validity through public inspection.

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

ARTICLE XIV
Conflicts and Applicability

§ 202-117. Conflict with other provisions.

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

§ 202-118. Applicability.

Articles I, II, IV, VIII, XI, XII, XIII and XIV shall apply in all incorporated areas of the village. Articles III, V, VI, VII, IX and X shall apply only in incorporated areas of the village which are also within the service area of the POTW.

SEWERS

APPENDIX A

PARAMETERS OF CONCERN

- Class A – Halogenated Hydrocarbons
- Class B – Halogenated Organics (Other than Hydrocarbons)
- Class C – Pesticides (Includes Herbicides, Algacides, Biocides, Slimicides and Mildewcides)
- Class D – Aromatic Hydrocarbons
- Class E – Tars
- Class F – Substituted Aromatics (Other than Hydrocarbons and Nonhalogenated)
- Class G – Miscellaneous
- Class M – Metals and their Compounds

Class A – Halogenated Hydrocarbons

- A01. Methyl Chloride
- A02. Methylene Chloride
- A03. Chloroform
- A04. Carbon Tetrachloride
- A05. Freon/Genatron
- A06. Other Halomethanes
- A07. 1,1,1-Trichloroethane
- A08. Other Haloethanes
- A09. Vinyl Fluoride
- A10. Vinyl Chloride
- A11. Dichloroethylene
- A12. Trichloroethylene
- A13. Tetrachloroethylene
- A14. Chlorinated Propane
- A15. Chlorinated Propene
- A16. Hexachlorobutadiene
- A17. Hexachlorocyclopentadiene
- A18. Chlorinated Benzene
- A19. Chlorinated Toluene
- A20. Fluorinated Toluene
- A21. Polychlorinated Biphenyl (PCB)
- A22. Chlorinated Naphthalene
- A23. Dechlorane (C₁₀Cl₁₂)

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A24. Hexachlorocyclohexane (BHC)

A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons)

B01. Phosgene

B02. Methyl Chloromethyl Ether

B03. Bis-Chloromethyl Ether

B04. Other Chloroalkyl Ethers

B05. Benzoyl Chloride

B06. Chlorothymol

B07. Chlorinated Phenol

B08. Chlorinated Cresols or Xylenols

B09. Chlorendic Acid

B10. Chloroaryl Ethers

B11. Dichlorophene or Hexachlorophene

B12. Chlorinated Aniline [Including Methylene Bis (2-Chloroaniline)]

B13. Dichlorobenzidine

B14. Chlorinated Diphenyl Oxide

B15. Chlorinated Toluidine

B16. Kepone (C₁₀Cl₁₀O)

B17. Dichlorovinyl Sulfonyl Pyridine

B18. Chloropicrin

B19. Trichloromethyl Thio-Phthalimide

B20. Trichloro-Propylsulfonyl Pyridine

B21. Tetrachloro-Methylsulfonyl Pyridine

B22. Tetrachloro-Isophthalonitrile

B99. Halogenated Organics Not Specified Above

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

C01. Aldrin/Dieldrin

C02. Chlordane and Metabolites

C03. DDT and Metabolites

C04. Endosulfan/Thiodan and Metabolites

C05. Endrin and Metabolites

C06. Heptachlor and Metabolites

SEWERS

- C07. Malathion
- C08. Methoxychlor
- C09. Parathion
- C10. Toxaphene
- C11. Sevin
- C12. Kelthane
- C13. Diazinon
- C14. Dithane
- C15. Carbaryl
- C16. Silvex
- C17. Dithiocarbamates
- C18. Maneb
- C19. Dioxathion
- C20. Tandex/Karbutilate
- C21. Carbofurans
- C22. Pentac
- C23. Folpet
- C24. Dichlone
- C25. Rotenone
- C26. Lindane/Isotox
- C27. Simazine
- C28. Methoprene
- C99. Pesticides Not Specified Above

Class D – Aromatic Hydrocarbons

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

Class E – Tars

- E01. Coal Tar

SHERBURNE CODE

E02. Petroleum Tar

E99. Tars Not Specified Above

Class F – Substituted Aromatics (Other than Hydrocarbons and Nonhalogenated)

F01. Phenol, Cresol or Xylenol

F02. Catechol, Resorcinol or Hydroquinone

F03. Nitrophenols

F04. Nitrobenzenes

F05. Nitrotoluenes

F06. Aniline

F07. Toluidines

F08. Nitroanilines

F09. Nitroanisole

F10. Toluene Diisocyanate

F11. Dimethylaminoazobenzene

F12. Benzoic Acid (and Benzoate Salts)

F13. Phthalic, Isophthalic or Terephthalic Acid

F14. Phthalic Anhydride

F15. Phthalate Esters

F16. Phenoxyacetic Acid

F17. Phenylphenols

F18. Nitrobiphenyls

F19. Aminobiphenyls (Including Benzidine)

F20. Diphenylhydrazine

F21. Naphthylamines

F22. Carbazole

F23. Acetylaminofluorene

F24. Dyes and Organic Pigments

F25. Pyridine

F99. Substituted Aromatics Not Specified Above

Class G – Miscellaneous

G01. Asbestos

G02. Acrolein

G03. Acrylonitrile

G04. Isophorone

G05. Nitrosamines

SEWERS

- G06. Ethyleneimine
- G07. Propiolactone
- G08. Nitrosodimethylamine
- G09. Dimethylhydrazine
- G10. Maleic Anhydride
- G11. Methyl Isocyanate
- G12. Epoxides
- G13. Nitrofurans
- G14. Cyanide

Class M — Metals and Their Compounds

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