

LOCAL LAW NO. 1 – 1985
SEWER USE CHARGE SYSTEM

1. IMPLEMENTATION

A. In addition to any other fees, charges or sewer rents provided by law, the owner or tenant of any parcel of real property connected with the sewer system, including but not limited to, real property connected with the sewer system by means of a private sewer or drain emptying into the sewer system shall pay a sewer use charge for the use of the sewer system for discharging any industrial or domestic waste and other wastes accepted for admission thereto.

B. Charges listed herein shall apply to all sewer users who have a discharge to the sewer system. This shall include residences, commercial establishments, and industries.

C. Acceptance of a commercial or industrial discharge into the sewer system is contingent upon receipt by the Superintendent of Public Works of the information required in the applicable section of the Sewer Use Local Law.

D. The owner of real property shall comply with all provisions of this Sewer Use Charge System. The surcharge, if any, based on the pollutant concentration as determined by chemical analyses of the samples taken in accordance with Section 4, shall be paid by the owner of such parcel of real property.

E. In the case of toxic or prohibited wastes discharged by a tenant of any building or any parcel of real property, as determined by chemical analyses of samples taken, the Superintendent of Public Works may hold either the tenant, or the owner, or both, responsible for failure to comply with any provision or provisions of the rules and regulations applicable to toxic and prohibited waste discharged into the sewer system.

2. USER CHARGE FORMULA

A. In accordance with the principles for user charge established by Section 204 (b) (1) of P.L. 92500, a sewer use charge shall be computed by the Superintendent of Public Works using the following formula:

$$UC = [(A+B/W)] \times F \times [((BU/BQ) + (SU/SQ))/2]$$

where: UC= User Charge in dollars

A= Annual O&M costs of the Sewerage facilities, in dollars.

B= Annual Principal and Interest cost for debt reduction.

W= The overall water consumption of sewerred residences, commercial establishments and industries, in 1000 gallon units.

F= The water consumption of the individual sewer user as shown on water bills during the charge period, in 1000 gallon units. Plus user's percentage of extraneous flow as determined in Part D of this section.

BU= The average concentration of BOD5 (ppm) of the user's discharge.

BQ= The average concentration of BOD5 (ppm) of the sewerage facility influent.

SU= The average concentration of TSS (ppm) of the user's discharge.

SQ= The average concentration of TSS (ppm) of the sewerage facility influent.

B. For the purposes of the formula above, operation and maintenance costs shall be those costs associated with the sewerage system but specifically not including replacement of sewers, treatment plant additions or sewer extensions.

C. The Sewer Use Charge shall be applied to the user on the user's water bill and shall be distinctly denoted as "sewer use". Charges for the first charge period shall be based on estimated operation and maintenance costs for those periods and the anticipated water consumption. Rates shall be adjusted as required to keep the charges at levels which will fully reimburse the total operation and maintenance costs to the Village, but at the same time will not create excess revenue over and above actual operation and maintenance costs.

D. The costs for operation and maintenance for all extraneous flow not directly attributable to users (i.e., infiltration/inflow) shall be distributed among all users of the sewerage facilities. The amount of extraneous flow, which each user shall pay for, shall be the user's percentage of total water consumption multiplied by the total extraneous flow.

3. VOLUME DETERMINATION

A. In applying the sewer use charge formula, the Superintendent of Public Works shall use one of the following values to represent the water consumption by a user.

1. The amount of water supplied to the premises as shown upon the water meter.
2. The amount of wastes discharged to the sewer system as shown upon the sewage meter.
3. The amount of wastes discharged to the sewer system as determined by measurements taken at a manhole installed by the owner of the property served by the sewer system.
4. A figure determined by the Superintendent of Public Works by any combination of the foregoing or by any other equitable method.

B. Sewered residences, commercial establishments and industries which are unmetered for whatever reason shall furnish and install water meters or sewage meters for sewer use charge determination.

4. POLLUTANT DETERMINATION

A. The pollutant concentration of any wastewater shall usually be determined from representative samples discharged to the public sewers, taken by representatives of the Superintendent of Public Works at sampling stations as described in the Sewer Use Local Law at any period, or time, or of such duration and in such a manner as the Superintendent may elect, or at any place or manner mutually agreed upon between the person and the Superintendent. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharged during an average or typical working day. This concentration may be derived, according to the best judgment of the Superintendent, by combining repeated subsamplings during one day, by combination of a series of such days or by combination of a number of multiple of series of such days.

The analyses of samples taken shall be performed in the laboratory chosen by the Superintendent and the surcharge and/or acceptability of the wastes shall be as determined from said analyses.

B. The concentration of pollutants shall be used in calculating the industrial waste surcharge until the industry shall prove or the Village shall determine that a change in the manufacturing process, production, or waste treatment of said industry warrants a reanalysis for the determination of a new pollutant concentration of its wastes discharged from such premises into the sewer system. The new pollutant concentration shall then be used in calculating the new surcharge and shall become effective as of the date on the resampling.

C. Whenever the wastes discharged from a premise to a public sewer might be expected to show appreciable periodic variation during the year due to manufacturing process or production variation due to seasonal changes, the Superintendent may average the results of two or more series of analyses taken to reflect these variations and thereby determine an average annual pollutant concentration.

5. DISPUTES

A. In the event that the pollutant concentration of the waste discharge from a premise to a public sewer as determined under Section 4 is disputed by a person, a program of resampling and gauging with subsequent chemical determination may be instituted as follows:

1. The person must submit a request for resampling and gauging of the wastes to the Superintendent of Public Works.
2. The person and his professional representative must confer with representatives of the Superintendent and an independent consultant, or agency of recognized professional standing, in the employ of the Village, in order that an agreement be reached as to the various factors which must be considered in a new sampling program.
3. The independent consultant or agency of recognized professional standing, employed by the Village, shall conduct resampling and re-analysis program in accordance with the agreement reached under Section 5.A.2. The cost of this program shall be reimbursed to the Village by the person initiating the dispute.
4. The results of the resampling and re-analysis shall be considered to be the current analysis of the wastes discharged to the sewer system and be used for determining the surcharge and/or acceptability of the wastes.

6. MULTIPLE BUILDINGS

A. Where a firm is operating as an integrated manufacturing complex, involving more than one building with varying processes and having separate sewer connections within the same contributory area, such firm may be considered as one unit with multiple sewers. An analysis for each sewer, based on separate samples and flows taken at each sewer, may be combined and the weighted average of the results thus obtained may be used as the measure of the pollutant or toxic concentration of the wastes discharged into the sewer system by said firm.

7. PAYMENT

A. Payment for sewer use shall be made at the place and within the time period stated on the water bill. Failure to submit payment of the user charge including any surcharge, as determined herein, will result in penalties and fines as prescribed in the Sewer Use Local Law.