

PROPOSED LOCAL LAW 2-2002

A LOCAL LAW REGULATING THE USE OF SEWERS, PUBLIC AND PRIVATE
AND REGULATING SEWAGE DISPOSAL AND DISCHARGE OF WASTE INTO
THE PUBLIC SEWER SYSTEM, COMPLYING WITH CONTRACTUAL
ARRANGEMENTS BETWEEN THE VILLAGE OF ALLEGANY, NEW YORK, AND
THE CITY OF OLEAN, NEW YORK.

Section 1. This local law shall be known and designated as Article XII of the General Municipal Code of the Village of Allegany, New York.

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WATER AND SEWERS AND SEWAGE DISPOSAL

ARTICLE I. IN GENERAL

Section 2. **Buildings or houses connection to Village sewers and water lines.**

All buildings and houses connecting to Village sewers and water lines located either within or without the Village, shall be under the supervision of the Building Official and all work in connection therewith shall conform with the International Building Code, as from time to time stated.

Section 3. **Water or sewer service to individuals residing outside Village limits.**

No further water or sewer service shall be granted to individuals residing outside the limits of the Village, unless such individuals reside with a locality in which a sewer and water district has been established by the governing body of the municipality in which such consumer resides. Any further contract entered into the Village for the supplying of either water or sewer service, shall be with such outside sewer or water district established by such outside municipality.

ARTICLE II. WATER

Section 4. **Water rates.**

The Village shall implement a new schedule of water rates to become effective as of October 1, 2001 and reflected in the billing of October 1, 2001 as follows:

- (a) There is hereby imposed a scheduled of water rents.
- (b) For the purpose of fixing and imposing the collection of water rents, all structures using that part of the water system of the Village located within its boundaries are divided into four (4) groups as follows:
 - (1) Group I – Total water used falls between 0 and 40,000 cubic feet.
 - (2) Group II – Total water used falls between 40,001 – 100,000 cubic feet
 - (3) Group III – Total water used is over 100,000 cubic feet.
 - (4) Group IV – Town of Allegany customers – billed directly by the Village of Allegany

(c) RATES:

Group I - \$12.80 per 1000 cubic feet of water used.

Group II - \$10.50 per 1000 cubic feet of water used.

Group III - \$12.75 per cubic feet of water used.

Group IV – Water rates are 150% of the above rates.

(d) The above rates may be changed by resolution of the Village Board of Trustees, provided that at least 3 months notification is given before rate change is to go into effect.

(e) For any bill that remains unpaid after the 30 day billing period, a 10% penalty will be added; calculated on the entire balance, per quarter.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

Section 5. **Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

ASTM. “ASTM” shall mean American Society for Testing and Materials

Background Concentration. “Background concentration” means the sewerage concentration of a pollutant in process water supply, as determined by the industry and which corresponds to the same time period as that of the wastewater sample acquisition.

BOD. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20° C), expressed in parts per million by weight.

Builder. “Builder” shall mean any person or corporation who undertakes to construct, either under contract or for resale, any building.

Building drain. “Building Drain” shall mean that part of the lowest horizontal 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 sewer, beginning five (5) feet outside the inner face of the building wall.

Building sewer. “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

Categorical Pretreatment Standards. “Categorical Pretreatment Standards” shall mean the National Categorical Pretreatment Standards or Standard, including without limitation the definitions and standards contained in 40 CFR Chapter (1), Sub-Chapter (N), Parts 405-471.

Chlorine requirement. “chlorine requirement” shall mean the difference between the amount of chlorine added to water, or industrial wastes and the amount of residual chlorine remaining at the end of a fifteen (15) minute contact period.

Combine sewer. “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.

Contractor. “Contractor” shall mean any person, firm or corporation approved by the Superintendent and/or Building Official to do work in the Village.

Control Authority. “Control Authority” shall mean the Village of Allegany.

Cooling water. “Cooling water” shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Developer. “Developer” shall mean any person or corporation who undertakes to construct simultaneously more than one (1) housing unit on a given tract or land subdivision.

Superintendent of Public Works or Superintendent. “Superintendent of Public Works or Superintendent” shall mean the director of public works for the Village.

Enforcement Response Plan. “Enforcement Response Plan” shall be the plan containing detailed procedures indicating how the Building Official will investigate and respond to instances of industrial non-compliance including, without limitation, violations which will adversely affect the operation or implementation of the pretreatment program and the Control Authority’s response thereto.

EPA. “EPA” shall mean the United States Environmental Protection Agency.
FWPCAA. “FWPCAA” shall mean the Federal Water pollution Control Act Amendments, or the Act.

Garbage. “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Indirect discharge. “Indirect discharge” shall mean the introduction of pollutants into a POTW from any nondomestic source.

Industrial user. “Industrial user” shall mean any source of indirect discharge, including all non-domestic sources and including commercial facilities, hospitals, and government agencies.

Industrial wastes. “Industrial wastes” means the liquid, solid, and gaseous waste, including suspended solids resulting from the processes employed in industrial or commercial establishments.

Inspector. “Inspector” shall mean the Building Official of the Village, or his authorized deputy, agent or representative.

Interference. “Interference” shall mean a discharge that alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its sludge processes, use, or disposal, and therefore causes a violation of the POTW’s State Pollutant Discharge Elimination (SPEDES) permit or prevents sewage sludge use or disposal in compliance with specified applicable federal or state statutes, regulations, or permits.

Natural outlet. “Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Non-Compliance. “Non-Compliance” shall mean any violation of the provisions in this Chapter pertaining to the introduction, continuing discharge, or failure to install controls to reduce concentrations of pollutants into the POTW.

NPDES. “NPDES” shall mean the National Pollutant Discharge Elimination System.

New source. “New source” shall mean a facility from which there is or may be a discharge of pollutants, construction of which began after publication of the proposed Pretreatment Standard pursuant to Section 307(c) of the Clean Water Act (CWA) which will apply to the facility if standards are promulgated.

NYSDEC. “NYSDEC” shall mean the New York State Department of Environmental Conservation or other duly authorized official of said Department.

NYSDPW> “NYSDPW” shall mean New York State Department of Public Works.

Outlet sewer. “Outlet sewer” shall mean a public sewer constructed and paid for at the general expense of the Village.

Owner. “Owner” shall mean any individual, firm, company, association, society, person, or group having title to real property.

Pass through. “Pass through” shall mean a discharge that exits the POTW in quantities or concentrations that, alone or with discharges from other sources, causes a violation of the POTW’s NPDES permit.

pH. "pH" shall mean the negative logarithm of the concentration of hydrogen ions in the grams-ionic per liter of solution.

Permit to discharge. "Permit to discharge" shall mean a written permit to deposit or discharge industrial waste into the POTW.

Person. "Person" shall mean any individual, firm, company, association, society, corporation or group, including a city, town, or village.

Petition sewer. "Petition sewer" shall mean a public sewer constructed and paid for at the expense of the owners of property adjoining the sewer.

Pollutant. "Pollutant" shall mean any solid, liquid, or gaseous waste containing any of the following soluble or insoluble substances of organic or inorganic nature which may deplete the dissolved oxygen content of the receiving stream; settleable solids that may form sludge deposits; grease and oils; floating solids which may cause unsightly appearance; color; phenols and other substances to an extent which may impart any taste or odor to the receiving stream; and toxic or poisonous substances in suspension colloidal, solution, or gases.

Pretreatment. "Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

Pretreatment Requirement. "Pretreatment Requirement" shall mean any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to IUs.

Pretreatment Standards. "Pretreatment Standards" shall mean any regulation containing pollutant discharge limits, including without limitation the general and specific prohibits of 40 CFR 403.5.

Properly shredded garbage. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such 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.

Property line. "Property line" shall mean the edge of a public street line if the building sewer is to connect with the public sewer in a public street.

Public sewer. "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Publicly Owned Treatment Works (POTW). “POTW” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sanitary sewer. “Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage. “Sewage” shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.

Sewage treatment plant. “Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sewage.

Sewer. “Sewer” shall mean a pipe or conduit for carrying sewage.

Sewer district. “Sewer district” shall mean any area outside of the Village’s collection and conveyance system, which discharge wastes into the Village system or at the treatment plant in order to have the sewage generated in that area treated.

Significant Industrial User. “Significant industrial user” shall mean:

- i. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- ii Any Other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f) (6).

Significant Non-Compliance. “Significant non-compliance” shall mean any violation as defined by 40 CFR (Code of Federal Regulations) Part 403.8 (f) (2) (viii).

Slug load. “Slug load shall mean any discharge of water, sewer, or industrial waste which occurs for any period longer that fifteen (15) minutes and exceeds more than five (5) times the average flow or concentration during normal operating hours.

State building construction code applicable to plumbing. “State building construction code applicable to plumbing” shall mean the International Building Code.

SPDES. “SPDES” shall mean the State Pollution Discharge Elimination System.

Storm sewer or storm drain. "Storm sewer" or "storm drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

Storm water. "Storm water" shall mean excess water which is derived from precipitation. This would include surface runoff.

Suspended solids. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids; and which are removable by laboratory filtering.

Tap or tap-in. "Tap" or "tap-in" shall mean a connection between the "public sewer" and the "building sewer".

Toxic pollutant. "Toxic pollutant" shall mean those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, are known to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to appropriate sections of the Clean Water Act.

Unpolluted water. "Unpolluted water" shall mean water which is free of any pollutant or waste.

User. "User" shall mean any person who contributes, causes, or permits the contribution of wastewater into the Village's facilities.

Watercourse. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 6 **Violation of Article.**

- (a) Any person found to be violating any provision of this article, except Section 14 shall be served by the Superintendent and/or Building Official through registered mail a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.
- (b) The Superintendent and/or Building Official may request any user responsible for a non-compliant discharge to the Village collection or treatment facilities to show cause why enforcement action should not be taken. A notice shall be served on the user designating the time and place of the hearing to be held regarding the violations, the reasons why the action is to be taken, the proposed enforcement action, and

requesting the user to show cause why the proposed enforcement actions should not be taken.

- (c) The Superintendent and/or Building Official may issue notice of such hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings. Testimony will be taken under oath, recorded, and kept on file for inspection by the public or any interested party.
- (d) After the Superintendent and/or Building Official has reviewed the evidence, it may issue a directive to the user responsible for the discharge specifying corrective action to be taken and a schedule for completion of this action.
- (e) In addition to any fines or penalties under this Local Law the Village may seek temporary restraining orders, plug or disconnect service or permanent injunctions if there is any imminent danger to health, safety, or property as the result of the violation.
- (f) Any violation of this article of the Code of Ordinances and any violation of directives and permits issued by the Superintendent of Public Works shall be the subject of the Village Enforcement Response Plan as approved by the United States Environmental Protection Agency and as may be changed from time to time.
- (g) Any person who fails to comply with the provisions of this Article after the time period established in subsection (a) and/or the Enforcement Response Plan may be limited to monetary forfeitures. If such fines are to be levied, the violator shall be notified in writing through registered mail as to the nature of the violation and the amount of the fine. The fine for significant non-compliance is \$1,000 per day. In addition, the Superintendent and/or Building Official after proper notification of violations and imposing of fines through registered mail, may preside over and conduct a show cause hearing. Depending upon the outcome of the hearing, the Superintendent may revoke or suspend the users permit to discharge. The permit may be issued by the Superintendent after the user demonstrates that he is in compliance with all provisions of this article.
- (h) The continued violation of any provisions of any section of this article other than those pertaining to the payment of charges for services established herein, shall constitute a separate offence for each and every day such violation of any provision hereof shall continue.
- (i) As an alternative, upon violation of this article, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building structure or land where such violations of this article are found.

- (j) Any person violating any of the provisions of this article shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.
- (k) Any person violating the terms of the provisions of this article that pertain to FWPCAA shall be liable to civil and criminal penalties and fines which will be levied in accordance with judicial procedures.
- (l) At least annually the POTW will publish in the largest daily newspaper in the Village of Allegany, notification of industrial users that were in significant non-compliance with applicable pretreatment requirements during the previous twelve months.
- (m) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Local Law, or permit to discharge, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law, shall be liable to civil and criminal penalties and fines which will be levied in accordance with judicial procedures.

Section 7 Unlawful deposits on public or private property.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the Board of Trustees to any owner or lessee acting in the normal course of farm or garden operations but only after specific application to the Superintendent and/or Building Official by such owner or lessee and upon such conditions as the Board of Trustees may impose.

Section 8 Unlawful discharge of polluted waters; pertinent laws and requirements.

- (a) It shall be unlawful for any person to discharge to any water course, either directly or through any storm sewer, within the Village, or in any area under the jurisdiction of the Village, any sewage, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the Village. No combined sewers will be allowed to be constructed in the future.
- (b) Disposal into the sewer system of any pollutant by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water pollution Control Act Amendments of 1977, and any more stringent state and local standards.
- (c) Any new and existing industry discharging into any Village owner sewer will be required to complete successfully a permit application and receive a written permit to discharge issued by the Superintendent of Public Works and/or Building Official. As a condition for this permit, the industrial applicant must provide information

describing wastewater constituents and characteristics, and type of activity involved. The information to be submitted will be at the direction of the Superintendent and/or Building Official who will indicate constituents and characteristics to be tested and procedures for conduction such tests. Permission to discharge will be for a period of three (3) years. All industry shall apply for permission to continue discharging a minimum of ninety (90) days prior to expiration of existing permit. The permit shall include at a minimum the following five conditions: (1) a statement of duration; (2) a statement of non-transferability; (3) applicable federal, state, and local effluent limits; (4) self-monitoring, sampling, reporting, notification, and record-keeping requirements; (5) a statement of applicable civil and criminal penalties. During the effective period of a permit to discharge, the Superintendent is authorized to modify any condition(s) contained within that permit. The industry shall be informed of any proposed changes at least thirty (30) days prior to the effective date of change. Any changes or new conditions shall include a reasonable time schedule as set up by the director.

A permit to discharge is issued to a specific industry, not a location, and therefore is not transferable. Should any industry discharging to the Village's sewers modify any of its processes so as to increase or decrease, such industry shall seek written permission for a permit to discharge from the director for that modification prior to initiating this modification of discharge. The Superintendent and/or Building Official shall require from the industry the same type of information that any existing or new industry initiating an industrial discharge to Village owned sewers is required to provide. The Superintendent and/or Building Official is authorized to monitor all industrial discharges and at his discretion shall order Village monitoring or self-monitoring of the industrial discharges. Such monitoring will be directed by the Superintendent and/or Building Official.

- (d) The industrial user shall be responsible for record retention and shall retain and preserve for no less that three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof related to monitoring, sampling, and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activity brought against the IU shall be retained and preserved by the industrial users until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.
- (e) The Superintendent and/or Building Official is authorized to ensure compliance of industrial users (as defined in 40 CFR 403) with Federal, State, or local pretreatment standards and any other applicable requirements promulgated by EPA in accordance with Section 307 of FWPCAA.
- (f) In addition to any other remedy as provided by any law or rule, the Superintendent and/or Building Official is authorized to ensure compliance of industrial users as defined in 40 CFR403 by revocation of any permit issued pursuant to this section for violation of any provision of this section.

Section 9 Privies, etc., prohibited.

It shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility in the Village intended or used for the disposal of sewage.

Section 10 Required sewer connections; installation of toilet facilities.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the Village and abutting on any street, alley, or right-of-way in which there is not located or may in the future be located, a public sanitary sewer of the Village, 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 ninety (90) days after the date of official notice to do so, provided that a connection is required by the International Building Code.

Section 11. Private sewage disposal.

- (a) Where a public sanitary sewer is not available under the provisions of Section 10, the owner shall apply to the Village Board of Trustees to cause a public sewer to be constructed.
- (b) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 10, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private disposal facilities shall be abandoned and filled with suitable material.
- (c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the state department of health.

Section 12. Suitable and approved method of waste disposal prerequisite to issuance of building permit.

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Village unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers, and a separate system of storm water sewers and/or drainage facilities.

Section 13. Right of entry to inspect, etc.; reports to Village.

- (a) The Building Officer, the Superintendent and other duly authorized employees of the Village, NYSDEC, and EPA bearing proper credentials and identifications shall be permitted to enter upon all properties of the industry, for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. Wastewater shall be accessible, through such means as a control manhole, for purposes of inspection, observation, measurement, sampling and testing.

In addition, the Building Official or other duly authorized employees of the Village NYSDEC, and EPA bearing proper credentials and identification shall be permitted to review and copy any existing monitoring records of any industrial user to verify compliance or violation.

- (b) When the Superintendent and/or Building Official has reason to believe an industry's discharge should be monitored in order to ensure compliance with the provisions of this article, then at his discretion the industry in question will be required to file one or more reports on the constituents and characteristics of its discharge. The industrial user shall construct a sampling manhole, install monitoring equipment, and monitor if the Superintendent of Public Works and/or Building Official determines such sampling point and monitoring is required. This information to be submitted, and the methods for collecting data, shall be at the direction of the Superintendent. The Village may monitor and analyze or cause to be monitored or analyzed the industrial waste streams of any industry if the Superintendent has reason to believe an industry's discharge should be monitored in order to insure compliance with the provisions of this article. The Village can also back-charge the industry for this monitoring and analysis.

Section 14. Injuring, etc., Village sewerage works prohibited.

It shall be unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment including control manholes which is a part of the Village sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 15. Severability.

If any provision, paragraph, word, section or article of this Local Law is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 16 **Conflict.**

All other Local Laws and parts of other Local Laws inconsistent or conflicting with any part of this Local Law are hereby repealed to the extent of such inconsistency or conflict.

Section 17. **Contractors required to present certificate of insurance before issuance of permit.**

A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

Section 18. **Construction of sewer extensions by Village; petition of property owners.**

Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the Village under public contract if, in the opinion of the Village Board, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for the building sewer from the public sewer to his residence or place of business in accordance with the requirements of this article. Property owners may propose sewer extensions within the incorporated Village by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Village Board of Trustees. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Village Board of Trustees.

Section 19. **Construction of sewer extensions by property owners, builders, or developers.**

If the Village does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Village Board of Trustees in accordance with the requirements of Section 20. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 21. The installation of the sewer extension must be subject to periodic inspection by the Building Official and expenses for this inspection shall be paid for by the owner, builder, or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer as constructed, must pass the exfiltration test required in Section 21 before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers. Such extension, when built, shall become a public sewer, subject to complete control and authority of the Village.

Section 20. Design of sewer extensions; plans and specifications.

- (a) All extensions to the sanitary sewer system owned and maintained by the Village shall be properly designed in accordance with and in strict conformance with all requirements of the state department of health. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Superintendent and/or Building Official and the State Department of Health before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
- (b) Sewer design shall be in accordance with the following provisions: Pipe materials shall be either asbestos-cement conforming to ASTM Specification C-428, Type 11; extra-strength vitrified clay conforming to ASTM Specification C-200; or reinforced concrete conforming to ASTM Specification C-76; or Plastic Truss Pipe ASTM D-1788-62T types I or IV ABS material in municipal sewer pipe quality. No standard strength clay pipe or nonreinforced concrete pipe shall be used. Minimum internal pipe diameter shall be eight (8) inches. Joints for each kind of pipe shall be designed and manufactured such that “O” ring gaskets of the “snap-on” type are employed. Gaskets shall be continuous, solid, natural, or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of Section 21 are met. Joint preparation and assemble shall be in accordance with the manufacturer’s recommendations. Wye branch fittings shall be installed for connection to building sewers in accordance with Section 25. Trench widths as measured just above the crown of the pipe shall not exceed the following:

Pipe Diameter	Trench Width
8”	3’ 3”
10”	3’ 6”
12”	3’ 9”
14”	4’ 6”

If the trench widths are found, during field inspections, to exceed the limits in the table in subsection (b) of this section, the sewer pipe shall be encased with a minimum of six (6) inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of three (3) inches of #1A or #1 crushed stone (NYSDPW Specification). Pipe thickness and field strength shall be calculated on the following criteria:

Safety factor	1.5
Load factor	1.5
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.

- (b) Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers".
- (c) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding four hundred (400) linear feet. The manholes shall be constructed with a poured three thousand (3,000) psi concrete base twelve (12) inches thick, steel troweled concrete or mortar bench walls and inverts, and precast 4-foot diameter concrete manholes barrel sections with concentric tapered top section, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the Village and shall be set with no less than two (2) courses of brick underneath to allow for later adjustments in elevation. All joints shall be sealed against infiltration. No manholes shall be constructed without steps or ladder rungs.

Section 21. Requirements of final exfiltration test to be satisfied.

- (a) All sewers shall satisfy requirement of a final exfiltration test before they will be approved and sewage flow accepted from them by the Village. This test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least twenty-four (24) hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes for convenient measuring.
- (b) When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must by some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed one thousand (1,000) feet. In the case of sewers laid on stoop grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours in either type of test.

(c) The total leakage of any section tested shall not exceed the rate of one hundred (100) gallons per mile of pipe per twenty-four (24) hours per inch of nominal pipe diameter. For purposed of determining the maximum allowable leakage, manholes shall be considered as sections of 48-inch diameter pipe, five (5) feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per twenty-four (24) hours, for 48-inch manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the test shall be repeated until the leakage requirement is met.

Section 22. Sewer extensions to become property of Village; guarantee.

All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the director, shall become the property of the Village and shall thereafter be maintained by the Village. Such sewers, after their acceptance by the Village, shall be guaranteed by the owner's builder or developer against defects in materials, or workmanship for eighteen (18) months. The guarantee shall be in a form provided for by the Village. At the sole discretion of the Village, a completion bond or certificate check may be demanded as part of the guarantee.

Section 23. Building sewer permit – Required.

It shall be unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent and/or Building Official.

Section 24. Same - Classes: Application: fees.

There shall be two (2) classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishment producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Building Official. In cases where the building sewer will connect to an outlet sewer, a permit, tap-in, and inspection fee of two hundred dollars for a single residential sewer permit plus one hundred dollars for each additional living unit incorporated in the same residential structure shall be paid to the Village Clerk at the time the application is filed. The maximum charge of one permit, tap-in, and inspection fee shall be one thousand dollars. No fees shall be charged for connection to a petition sewer. A maximum of four living units may be connected to a single Retention Sewer. The Village Board of Trustees shall fix a permit, tap-in, and inspection fee for each commercial, industrial, or other non-residential building proposed to be connected to an outlet sewer after recommendation of the Superintendent and/or Building Official, based on the size and nature of the operation proposed in such commercial, industrial or other non-residential building as compared to the demands of a single residential structure.

Section 25. Separate and independent building sewers to be provided.

A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate sewer for each group of four (4) living units, the size and capacity of the same to meet requirements of the New York State Uniform Fire Prevention and Building Code applicable to plumbing.

Section 26. Existing building sewers.

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Building Official to meet all requirements of this article.

Section 27. Tapping of public sewers.

No tapping of the public sewer shall be permitted except 4-inch branch into 8-inch sewer and 6-inch branch into 10-inch or larger sewer, and in each specific case only by permission of the Superintendent and/or Building Official. Making the tap shall be under the supervision of the Superintendent and/or Building Official.

Section 28. Building sewer pipe specifications.

The building sewer shall be schedule 40 or heavier plastic pipe (PVC or ABS), service weight cast iron pipe, extra heavy cast iron pipe or asbestos cement pipe. Joints shall be tight and waterproof. Building sewer pipe of cast iron shall have a maximum length of ten (10) feet between joints, or shall meet requirements of the state building construction code applicable to plumbing.

Section 29. Size and slope of building sewers.

The size and slope of the building sewer shall be subject to the approval of the inspector, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-fourth (1/4) inch per foot.

Section 30. Installation of building sewers.

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as

possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

Section 31. Procedure where building drains are too low to permit gravity flow to public sewers.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

Section 32. Excavations.

- (a) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12 except that the trench width measured at the top of the installed pipe shall not exceed twenty-four (24) inches. All trench bottoms shall be shaped to cradle the pipe. Selected and rammed backfill at sides of pipe and covering pipe shall be required.
- (b) All excavation 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 work shall be restored in a manner satisfactory to the Village.

Section 33. Joints and connections.

- (a) All joints and connections shall be made gas tight and water tight. No cement joints will be permitted.
- (b) Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one (1) inch deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adapters and joint materials approved by the Building Official.
- (c) Pre-molded gasket joints for hub and plain end cast iron pipe may be used if approved by the Building Official, and shall be a neoprene compression-type gasket which provided a positive double seal in the assembled joint. The gasket shall be pre-molded, one piece unit, designed for jointing the cast iron hub and plain end soil pipe fittings. The assembled joints shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe coupling tools designed for that purpose. The plain spigot

end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, nontoxic material and shall not chemically attack the gasket materials.

- (d) Asbestos-cement pipe joints shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto. No foreign-made asbestos-cement pipe shall be acceptable.

Section 34. Connection of Building sewers into existing public sewers; permit for street openings; owners to bear costs and expense.

The connection of the building sewer into an exiting public sewer shall be made at the public sewer. Trench excavation proposed to be made in any portion of the public street or Village-controlled right-of-way, including areas of sidewalk, "subway" or berm, roadway, paved or unpaved, shall not be laid out, commenced nor performed in any degree until a specific permit for street openings shall have been obtained from the Building Official. Person, firms or corporations having met the requirements of the Village as to capability to perform the work, filing if insurance bonds, proven responsibility, and in good standing for payment of accounts due the Village, will be eligible for issuance of such permit. All regulations of the Village in regard to street openings shall apply. All costs and expenses incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and it all cases shall be approved by the Building Inspector.

Section 35. Inspections.

- (a) The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Official, or his representative.
- (b) When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the inspector before the trenches are filled. The person performing such work shall notify the Building Official when the installation of the building sewer is completed. The filing of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of twenty-five (\$25.00) for each offense and the trench must be re-opened, at the permitter's expense, to allow for proper inspection.

Section 36. Procedure when frequent maintenance of building sewers is anticipated.

When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the inspector, will receive sewage or industrial wastes of such volume or character that frequent maintenance of such building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Building Official shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Building Official. If required, a new manhole shall be installed in the public sewer pursuant to Section 20 and the building sewer connection made thereto as directed by the Building Official.

Section 37. Sewer rents – Imposition; structures divided into three groups for collection purposes.

- (a) There is hereby imposed a scheduled of sewer rents. Sewer rents shall be calculated based on water meter readings for each account.
- (b) For the purpose of fixing and imposing the collection of sewer rentals, all structures using that part of the sewer system of the Village located within its boundaries are divided into three (3) groups as follows:
 - (1) Group I – Total water used falls between 0 and 40,000 cubic feet.
 - (2) Group II - Total water used falls between 40,001 – 100,000 cubic feet.
 - (3) Group III - Total water used is over 100,000 cubic feet.
 - (4) Group IV – Town of Allegany customers – billed directly by the Village of Allegany

Section 38. Same – rates.

- (a) For sewer rates provided within the boundaries of the Village, sewer rental rates shall be as follows:

Group I - \$19.20 per 1000 cubic feet of water used.

Group II - \$15.75 per 1000 cubic feet of water used.

Group III – \$12.75 per 1000 cubic feet of water used.

Group IV – Sewer rates are 150% of the above rates.

- (b) The above rates may be changed by resolution of the Village Board of Trustees provided that at least 3 months notification is given before the rate change takes place.

Section 39. Billing and collection.

For any bill that remains unpaid after the 30 day billing period, a 10% penalty will be added; calculated on the entire balance, per quarter.

Section 40. Unlawful to discharge storm water, etc., to sanitary sewer.

- (a) It shall be unlawful for any person to discharge, or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. Foundation drain from dwellings where gravity flow to storm sewer is not available, shall be permitted. Existing buildings on September 10, 1968 whose storm water from roof area is connected to the building sewer, shall be permitted to remain so connected until remodeling, renovation of plumbing or reconstruction or until the Village Board of Trustees shall embrace a major project for the separation of roof drains from the sanitary sewers.
- (b) Storm water and all others of unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, and approved by the Superintendent and/or Building Official. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Building Official to a storm sewer but only in accordance with SPDES requirements and any other state or federal regulation.
- (c) No industry shall increase the discharge of clean process water, non-contact water, or in any way dilute his discharge as a method of achieving compliance with any pollutant protection from any accidental discharge or slug discharge of prohibited pollutants into the sewage works. Such appropriate steps may include the development, submission, and approval of the director of a detailed slug control plan. Any measure taken shall be at the owners expense.
- (d) Plans, specifications, and any other pertinent information relating to proposed facilities shall be submitted for the approval of the Superintendent and/or Building Official, and no constriction of such facilities shall be commenced until such approvals are obtained in writing. Such approvals, however, shall not relieve the user of the responsibility of meeting any required effluent limitations.
- (e) In all cases of accidental or slug discharges, it is the responsibility of the industry to immediately notify the POTW of the discharge. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. All employees shall be aware of the need to inform the POTW and shall be advised of the emergency notification procedures. Within one (1) week following the accidental discharge the industry shall submit to the Building Official a detailed written report describing the cause of the discharge and measures to be taken by the industry to prevent future occurrences.

Section 41. **Discharge of certain waters and waste to public sewers prohibited.**

- (a) Generally, except as provided in the Article, it shall be unlawful for any person to discharge, or cause to be discharged, any of the following described waters or wastes.
- (b) Prohibited.
 - (1) Any gasoline, benzene, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide, or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life of preventing entry into sewers for their maintenance and repair.
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters (3/4) horsepower or greater shall be subject to the review and approval of the inspector.
 - (4) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshing, entails, lime slurry, lime, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other substance, solid, viscous or in any other form, capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
 - (5) Any storm water, roof drains, spring water, cistern or tank overflow, of the contents of any privy vault septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.
 - (6) Any waste considered as a hazardous waste under 40CFR261.
 - (7) Any 1,1,1-Trichloroethane above background concentrations.
 - (8) Any pollutant which creates a fire or explosive in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21.
 - (9) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that might cause acute worker health and safety problems.
 - (10) Petroleum oil non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
 - (11) Any trucked or hauled pollutants, except at discharge points designated by the Village.

- (12) The discharge of any pollutant that causes pass-through.
 - (13) Oxygen-demanding pollutants (such as Biochemical oxygen Demand (BOD)), released in a discharge a flow rate of pollutant concentration that will cause interference.
- (c) Limited.
- (1) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized at all times within a permissible pH range of 6.0 to 9.0.
 - (2) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent and/or Building Official in compliance with applicable state or federal regulations.
 - (3) Any liquid or vapor which would cause the influent to the treatment plant to have a temperature higher than one-hundred and four degrees Fahrenheit (104° F).
 - (4) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernible viscous at temperatures between thirty-two (32° F) and one-hundred and four degrees Fahrenheit (104° F).
 - (5) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average of fifty (50) mg/l Trichlorotrifluoroethane soluble matter.
 - (6) No person shall discharge or cause to be discharged any waters or waste containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage conveyance or treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it is discharged from the industry.

Limits of Toxic Substances in Sewage

	24 Hour Composite
Chromium, Hexavalent	5.5 mg/l
Copper (Total)	2.1 mg/l
Cadmium (Total)	1.0 mg/l
Cyanide (D)	0.2 mg/l
Zinc (Total)	20.0 mg/l
Nickel (Total)	0.9 mg/l
Arsenic (D)	0.02 mg/l
Lead (Total)	18.0 mg/l
Mercury (D)	0.7 mg/l
Silver (D)	10.2 mg/l
Trichloroethylene	1.0 mg/l

(D) – Dissolved

- (7) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division for that particular industrial subcategory. The Superintendent and/or Building Official shall notify all affected Users of the more stringent limits and applicable reporting requirements. The National categorical pretreatment standards located in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated into this ordinance by reference.
- (8) Any pollutant which creates a fire or explosion in the City of Olean's sewage treatment plant or Village of Allegany sewer lines or pump stations including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 CFR 261.21.

- (9) Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial 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 or Requirement.

Section 42. Grease, oil and sand interceptors.

- (a) Grease, oil and sand interceptors shall be provided when the limits in Section 41 for those substances are exceeded or when, in the opinion of the Superintendent and/or Building Official, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Building Official, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.
- (c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Building Official

Section 43. Admission of waters of wastes into public sewers; preliminary treatment facilities.

- (a) The admission into the public sewer of any waters or wastes having (1) a five (5) day biochemical oxygen demand concentration greater than two-hundred and fifty (250) mg/l or (2) containing more than two-hundred and fifty (250) mg/l of suspended solids, shall be subject to review by the Superintendent and/or Building Official.
- (b) Where necessary, in the opinion of the Superintendent and/or Building Official the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the chlorine requirements to twenty (20) mg/l or (2) reduce the objectionable characteristics or constituents to within the maximum limits provided for in Section 41, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and/or Building Official, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Superintendent and/or Building Official will constitute a major violation of this Section.

- (c) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 44. Notification requirements.

All categorical and non-categorical industrial users shall notify the Village immediately of all discharges that could cause problems to the City of Olean Sewage Treatment Plant. These discharges shall include, but not be limited to:

1. Slug loadings.
2. Pollutants which create a fire or explosion hazard in the POTW
3. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0.
4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
5. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
6. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius.

Section 45. Notice of Violation/Resampling Requirement.

If sampling by an industrial user indicates a violation, the user must notify the POTW within 24 hours of becoming aware of the violation. The user must also resample and submit results of this resampling to the POTW within thirty (30) days. {Reference 40 CFR 403.12 (g)}.

Section 46. Notice of Hazardous Wastes Discharge.

All industrial users must notify in writing the POTW, the New York State Department of Environmental Conservation, and the United States Environmental Protection Agency of any discharge that would be considered a hazardous waste if disposed of in a different manner. (Reference 40 CFR 403.12 (p)).

Section 47. Installation of control manholes.

When required by the Superintendent and/or Building Official, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent and/or Building Official. 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.

Section 48. Measurements, tests and analyses of the characteristics of waters and wastes.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 41 and 43, shall be determined in accordance with analytical methods as published in 40 CFR Part 136 titled "Guidelines Establishing Test Procedures for the Analysis of Pollutants", Upon suitable samples taken at the control manhole provided for in Section 47. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 49. Division prevents special agreements or arrangements relative to acceptance of certain wastes for treatment.

No special agreement or arrangement between the Village and any industrial concern for treating an industrial waste of unusual strength or character shall be allowed if the special agreement results in a violation of applicable pretreatment standards or requirements.

Section 50. When standards apply; laboratory methods; alternate methods; sampling, compliance schedules and reports.

- (a) All of the preceding standards in this division are to apply at the point where the industrial wastes are discharged into the POTW and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Analytical Methods as published in 40CFR 136 titled "Guidelines Establishing Test Procedures for the Analysis of Pollutants". The frequency and duration of the sampling of any industrial waste shall be determined by the Superintendent and/or Building Official based upon the contaminates with respect to its harmfulness to the treatment facility or receiving stream but no less frequently that semi-annually. The Superintendent shall have authority to require monitoring in excess of 24 hours for the purpose of measuring flow. Variations from this schedule would be at the discretion of the Superintendent and/or Building Official. A report outlining the nature and concentration of pollutants shall be submitted to the Superintendent and/or Building Official on more than thirty (30) days after any required sampling is completed. In the case of any

industry which is or would be subject to a categorical pretreatment standard, a baseline monitoring report shall be submitted within 180 days after the effective date of the standard. In the case of an industry that is not yet discharging categorical waste to the POTW and is subject to a categorical pretreatment standard, a baseline monitoring report will be submitted to the Superintendent and/or Building Official at least 90 days prior to the first discharge. This information shall at least include identifying information, permits, description of operations, flow measurements, pollutant measurements certifications and a compliance schedule if necessary. Baseline monitoring reports must contain a statement reviewed by an authorized representative of the IU and certified by a qualified professional about the user's compliance with applicable categorical standards. A compliance schedule shall be established by the Superintendent and/or Building Official based upon the extent of noncompliance. A series of status reports to the Village will be outlined and target dates established for stepwise compliance.

- (b) Where such industrial stream monitoring has been required by the Superintendent to demonstrate compliance with applicable Pretreatment Standards or other standards, the industry shall submit within ninety (90) days following the date for final compliance to the Superintendent and/or Building Official, a report that contains flow and pollutant measurements, a certification of whether pretreatment standards are being consistent, and, if not, a description of needed additional O & M or pretreatment. Reports on compliance with categorical standards (90-day compliance reports) must contain a statement reviewed by an authorized representative of the IU and certified by a qualified professional about the user's compliance with applicable categorical standards and whether any pretreatment or operation and maintenance (O & M) is required to attain compliance. If the industry is not meeting the standards, the report shall outline additional pretreatment or operations necessary to bring the industry into compliance. Prior to any changes or construction, a review by the Building Official and written permit must be granted before any construction is to begin.
- (c) Baseline monitoring reports, 90-day compliance reports, and periodic compliance reports from categorical industrial users must be signed by an appropriate official of the categorical industrial users and shall contain such certification statement as provided in 40 CFR 403.6 (a) (2) (ii) attesting to the integrity of the analytical data submitted.
- (d) Information and data on industry obtain from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency inspections without restriction unless the industry specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the industry.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Local Law, the National Pollutant Discharge Elimination System (NPDES) permit, State Pollutant Discharge Elimination System (SPDES) permit, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Status reports must be submitted within 14 days of compliance milestones and upon the final compliance date.

Section 51. Effective Date.

This local law shall take effect in accordance with the provisions of Section 27 of the Municipal Home Rule Law, upon filing in the office of the Secretary of State of the State of New York.