

LOCAL LAW  
INTRODUCTORY NO. 1 - 1984  
LOCAL LAW NO. 1 - 1984

A LOCAL LAW TO INCLUDE AS PARTICIPANTS JOINT GARBAGE, METAL AND REFUSE DISTRICTS IN THE HERKIMER COUNTY SELF-INSURANCE PLAN AND AMENDING THE ENUMERATION OF RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE HERKIMER COUNTY SELF-INSURANCE PLAN

BE IT ENACTED by the County Legislature of the County of Herkimer, New York, as follows:

Section 1. Section 1A of the Rules and Regulations for the Administration of the Herkimer County Self-Insurance Plan, enacted by Local Law No. 4 of 1956, as last amended by Local Law No. 2 of 1978, is hereby amended to read as follows:

A. PARTICIPATION

In addition to the County, participation in the Herkimer County Self-Insurance Plan shall be available to the City of Little Falls and the towns and villages located within the geographical boundaries of Herkimer County, and to any Joint Garbage, Metal and Refuse Disposal Districts comprised entirely of municipalities which are participants in the Plan.

Section 2. Section 1C of the Rules and Regulations for the Administration of the Herkimer County Self-Insurance Plan, enacted by Local Law No. 4 of 1956, as amended by Local Law No. 1 of 1967, and as last amended by Local Law No. 2 of 1978, is hereby amended as follows:

C. APPORTIONMENT OF COSTS

1. The apportioned share of each participant in the Herkimer County Self-Insurance Plan shall be based one-half (50%) on the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and one-half (50%) on the loss-percentile experience of the participant, said loss-percentile to be calculated based on the losses of each participant in relation to the aggregate losses of compensation and medical for the entire plan for each of the three preceding years, omitting the current year.

2. To participants not electing to cover paid police and firemen, the total of the several amounts set forth in the annual estimate prepared pursuant to Section 67 of the Workers' Compensation Law shall be apportioned to such participants in the proportion that 50% of the full valuation of its taxable real property bears to the aggregate full valuation of all participants, except that as to Joint Garbage, Metal and Refuse Disposal Districts said estimates shall be apportioned to any such participant in the proportion that 1% of the full valuation of the taxable real property of the municipalities which comprise said District bears to the aggregate full valuation of all participants.

3. To participants electing to cover either paid police or paid firemen, but not both, the total of the several amounts set forth in the annual estimate prepared pursuant to Section 67 of the Workers' Compensation Law shall be apportioned to such participants in the proportion that 75% of the full valuation of its taxable real property bears to the aggregate full valuation of all participants.

4. To participants electing to bring both paid police and paid firemen under coverage of the Herkimer County Self-Insurance Plan, the total of the several amounts set forth in the annual estimate prepared pursuant to Section 67 of the Workers' Compensation Law shall be apportioned to such participants in the proportion that the full value of its taxable real property bears to the aggregate full valuation of all participants.

5. Payment of claims previously paid or incurred by the County of Herkimer on behalf of the Joint Garbage, Metal and Refuse Disposal District known as the German Flatts, Ilion, Mohawk Joint Sanitary Landfill Corporation are ratified and confirmed subject only to application by said District to be a participant in the Herkimer County Self-Insurance Plan and acceptance of said application by the Herkimer County Legislature.

Section 3. This Local Law shall take effect immediately.

Dated: March 19, 1984.

Adopted: March 19, 1984.

LOCAL LAW  
 INTRODUCTORY NO. 2 - 1984  
 LOCAL LAW NO. 2 - 1984

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK; AND REPEALING LOCAL LAW NO. 5 FOR THE YEAR 1982.

Purpose and Policy

This Local Law sets forth the uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Herkimer County Sewer District (or, the District) and enables the District to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Local Law are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This Local Law provides for the regulation of direct and indirect contributors to the municipal wastewater system through the negotiation of agreements or issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorized monitoring and enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Local shall apply to the District and to persons outside the District who are, by contract or agreement with the District, Users of the District POTW. Except as otherwise provided herein, the Sewer District Board shall administer, implement, and enforce the provisions of this Local Law.

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ARTICLE I

Definitions

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

SECTION 101. "Act or the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

SECTION 102. "Approval Authority" shall mean the Regional Administrator of the EPA Region II unless and until New York State is delegated Approval Authority responsibility. At that time the Approval Authority would be the Director of the NYSDEC Division of Water.

SECTION 103. "Authorized Representative of Industrial User" shall mean either (1) A principal executive officer of a least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

SECTION 104. "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure; five (5) days at 20 degrees Centigrade, expressed in concentration units as milligrams per liter (mg/l).

SECTION 105. "Board" (or "Sewer Board") shall mean the duly appointed Herkimer County Sewer Board set forth in resolution adopted by the Herkimer County Legislature.

SECTION 106. "Builder" shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 107. "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 three feet (3) outside the outer face of the building wall.

SECTION 108. "Building Sewer" shall mean the extension from the building drain to the public sanitary sewer or other place of disposal.

SECTION 109. "Categorical Standards" shall mean National Categorical Pretreatment Standards.

SECTION 110. "Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

SECTION 111. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

SECTION 112. "Contractor" shall mean any person, firm or corporation licensed to do work in the District.

SECTION 113. "Control Authority" shall refer to the "Approval Authority", defined herein; or the Administrator if the District has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

SECTION 114. "Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

SECTION 115. "Developer" shall mean any person, persons or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

SECTION 116. "Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of New York.

SECTION 117. "District" shall mean the Herkimer County Sewer District serving the Village of Frankfort, Ilion, and Mohawk and portions of the Town of Frankfort and the Town of German Flatts.

SECTION 118. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

SECTION 119. "Engineer" shall mean the Professional Engineer designated by the Herkimer County Sewer District.

SECTION 120. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

SECTION 121. "Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

SECTION 122. "Holding Tank Waste" shall mean any waste resulting from human excrement and stored in holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

SECTION 123. "Indirect Discharge (33 U.S.C. 1342)" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

SECTION 124. "Industrial User" shall mean a source of indirect discharge to the Herkimer County Sewer District's Sewage Works which does not constitute a "Discharge of Pollutants" under regulations issued pursuant to Section 402 of the Act.

SECTION 125. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from wastewater.

SECTION 126. "Interference" shall mean the inhibition or disruption of the POTW treatment processes, operations or system which contributes to a violation of any requirement of the District's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

SECTION 127. "Municipality" shall mean any Town or Village wholly or partly within the Herkimer County Sewer District.

SECTION 128. "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

SECTION 129. "National Prohibitive Discharge Standard or Prohibitive Discharge Standard" shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

SECTION 130. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 131. "New Source" shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

SECTION 132. "New York State Department of Environmental Conservation or NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.

SECTION 133. "Owner" shall mean any individual, firm, company, association, society, person, or group having title to real property or its assignee, grantee or successor in interest to such real property with wastewater facilities which discharge, or will discharge to the Herkimer County Sewer District Sewage Works.

SECTION 134. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 135. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams-ionic weights per liter of solution.

SECTION 136. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

SECTION 137. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

SECTION 138. "POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

SECTION 139. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise intruding such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.

SECTION 140. "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

SECTION 141. "Priority Pollutants" shall mean a list of substances which the USEPA considers to be of environmental concern, set forth in Appendix B to 40 CFR Part 403.

SECTION 142. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

SECTION 143. "Property Line" shall mean a point on public property within five feet (5') of the street right-of-way if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean within five feet (5') of the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 144. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the District. This definition includes any sewers that convey wastewater to the POTW treatment plant, which does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this local law, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW, subject to the approval of such contracts or agreements by the Herkimer County Legislature.

SECTION 145. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SECTION 146. "Residential User" shall mean all premises used only for human residence and which are connected to the Herkimer County Sewer District Sewage Works.

SECTION 147. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface and groundwaters are not intentionally admitted.

SECTION 148. "Sewage Works" shall mean all District facilities for collecting, pumping, treating and disposing of wastewater. Also see "Publicly Owned Treatment Works (POTW)".

SECTION 149. "Sewer District Administrator" shall mean the person recommended by the Herkimer County Sewer Board, subject to confirmation by the Herkimer County Legislature, pursuant to applicable statutes, to direct the activities and administer the policies of the Sewer Board, in conformance with the Civil Service Job Description of such position.

SECTION 150. "Sewer" shall mean a pipe or conduit for carrying wastewater.

SECTION 151. "Sewer Use" shall mean the owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the District and abutting any street, alley or right-of-way in which there is located a public sanitary sewer within 100 feet (100') of the property line whether connected or unconnected to such public sanitary sewer.

SECTION 152. "Shall" is mandatory: "May" is permissive.

SECTION 153. "Significant Industrial User" shall mean any Industrial User of the District's wastewater disposal system who (i) has a flow or load (BOD, TSS) greater than 5 percent of that influent to the POTW treatment plant receiving the waste, or (ii) manufacturing industries using, on an annual basis, more than 10,000 pounds or 1,000 gallons of raw material containing priority pollutants/substances of concern and discharging a measurable amount of these pollutants to the sewer system from the process using these pollutants, or (iii) is subject to promulgated categorical pretreatment standards, or (iv) is found by the District, NYSDEC, or USEPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

SECTION 154. "Standard Industrial Classification (SIC)" shall mean classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or the most recent edition issued thereafter.

SECTION 155. "Standard Methods" shall mean the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

SECTION 156. "State" shall mean the State of New York.

SECTION 157. Public "Storm Sewer" or "Storm Drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

SECTION 158. "Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

SECTION 159. "Substance of Concern" shall mean a substance from the list of substances which the NYSDEC considers to be of environmental concern.

SECTION 160. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, or which settle, and which are removable by laboratory filtering and expressed as dry weight in terms of mg/l.

SECTION 161. "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other Acts.

SECTION 162. "United States Environmental Protection Agency or USEPA" shall mean the U.S. Environmental Protection Agency or where appropriate, a designation for the administrator or other duly authorized official of said agency.

SECTION 163. "Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW.

SECTION 164. "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

SECTION 165. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 166. "Waters of the State" shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

#### Abbreviations

The following abbreviations shall have the designated meanings:

SECTION 167.	ASTM - American Society for Testing and Materials
SECTION 168.	BOD - Biochemical Oxygen Demand
SECTION 169.	CFR - Code of Federal Regulations

SECTION 170.	EPA - U.S. Environmental Protection Agency
SECTION 171.	L - Liter
SECTION 172.	mg - Milligrams
SECTION 173.	mg/l - Milligrams per liter
SECTION 174.	NPDES - National Pollutant Discharge Elimination System
SECTION 175.	NYSDEC - New York State Department of Environmental Conservation
SECTION 176.	NYSDT - New York State Department of Transportation
SECTION 177.	POTW - Publicly Owned Treatment Works
SECTION 178.	SIC - Standard Industrial Classification
SECTION 179.	SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
SECTION 180.	U.S.C. - United States Code
SECTION 181.	TSS - Total Suspended Solids

## ARTICLE II

### Use of Public Sewers Required

SECTION 201. 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 District, or in any area under the jurisdiction of said District, any human excrement or other objectionable waste.

SECTION 202. It shall be unlawful to discharge to any waters of the state, either directly or through any storm sewer within the District, or in any area under the jurisdiction of the District, any wastewater, industrial wastes, or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the District. No combined sewers shall be constructed after the effective date of this Local Law.

SECTION 203. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

SECTION 204. The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, 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 Local Law, within ninety (90) days after the date of official notice to do so, provided that the public sewer is located within one hundred feet (100') of the property line.

## ARTICLE III

### Private Wastewater Disposal

SECTION 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the New York State Department of Health and local laws, ordinances and codes dealing with septic tank installations.

SECTION 302. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 204, a direct connection shall be made to the public sewer in compliance with this Local Law, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material, within a reasonable time.

SECTION 303. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

## ARTICLE IV

## Building Sewers, Connections and Fees

SECTION 401. No person shall uncover, make any connections with or open into, alter or disturb any public sanitary sewer or appurtenance thereof owned by or leased to the District without first obtaining a written permit from the District.

SECTION 402. There shall be three classes of building sewer permits: (1) for residential sewers; (2) for commercial and industrial sewer connections; and (3) for private wastewater disposal. The owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. A building sewer permit and inspection fee fixed by the District shall be paid to the District or Municipality at the time an application is filed. The District shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, 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. And in the case of multiple dwelling structure, shall fix a fee based upon the approved number of living units served by a separate building sewer as compared to the demands of a single residential structure.

SECTION 403. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, the number of living units served by a separate building sewer shall be approved by the Sewer District Board or its duly authorized designee.

SECTION 404. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer District Board, or its duly authorized designee, to meet all requirements of this Local Law.

SECTION 404(a). In the event an existing building sewer shall be repaired or replaced, the same requirements contained herein shall be applicable thereto and shall be complied with by the owner or his agent.

SECTION 405. The building sewer shall be tar-coated, extra-heavy cast iron soil pipe, conforming to ASTM Specification A74, an American Standards Association (ASA) Specification A-40.1; or asbestos-cement house connection pipe conforming to ASTM Specification C-428, Type 11, minimum Class 2400, or polyvinyl chloride (PVC) pipe conforming to ASTM D-3034 providing a minimum SDR ratio of 35 and a minimum pipe stiffness of 46 at 5 percent deflection. Joints shall be tight and waterproof. All building sewer pipe shall have a maximum spacing of five (5) feet between joints if iron pipe is used and ten (10) feet between points if PVC pipe is used.

Building sewers must have a clean-out brought to grade:

- a. On the downstream side of, and adjacent to, a building trap.
- b. At intervals of every seventy-five feet (75') of developed length.

Vertical or horizontal changes in direction of sewer piping shall be made with fittings that have offsets of forty-five degrees ( $45^{\circ}$ ) or less. A composite total of  $90^{\circ}$  change in direction is allowed between the building and the main sewer.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Sewer District Board or its duly authorized designee, but in no event shall the diameter be less than four inches (4"), nor shall the slope of the pipe be less than one-eighth ( $1/8$ " per foot.

SECTION 407. 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 feet (3') 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 feet (3'). 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 sewer 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 408. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater or industrial wastes carried by such drain shall be lifted and discharged to the building sewer, by mechanical means approved by the Engineer, at the expense of the owner.

SECTION 409. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Sewer District Board or its duly authorized designee. Pipe laying and backfill shall be performed in accordance with Sections 3 and 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected, and except that trench width measured at the crown of the installed pipe shall not exceed the outside diameter of the pipe plus 24 inches.

Trench backfill shall consist of: (1) a bedding of compacted pea stone, or crushed stone or crusher run limestone, with one inch (1") maximum size stone, four inches (4") under, and six inches (6") over the pipe; and (2) the balance of trench backfilled with suitable material and compacted to minimize trench settlement.

Installation of the building sewer pipe and the four inches (4") of bedding under the pipe shall be complete prior to inspection by the Board or its duly authorized designee.

SECTION 410. All joints and connections shall be made gastight and watertight. No cement joints will be permitted. 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 any two types of pipe or other pipe material shall be made with special adaptors and joint materials approved by the Sewer District Board or its duly authorized designee.

Pre-molded gasket joints for hub and plain-end cast iron pipe, asbestos-cement, and PVC pipe shall be used with a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit, designed for joining the pipe and plain-end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub itself. Lubricant shall be bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

SECTION 411. The connection of the building sewer into an existing public sewer shall be made at the property line. Except as provided under Sections 502 and 503, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to the property line by the Municipality (or the District by contractual agreement) upon submittal of a proper request by the owner and upon deposit of the estimated cost thereof. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the District and the Municipality 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 (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Sewer District Board or its duly authorized designee.

SECTION 412. The applicant for the building sewer permit shall notify the Sewer District Board at least 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sewer District Board or its duly authorized designee.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Sewer District Board or its duly authorized designee, before the trenches are filled; and the person performing such work shall notify the Sewer District Board or its duly authorized designee, when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of \$25.00 for each offense, and such person will expose the pipe at his own expense until inspected by the Sewer District Board or its duly authorized designee.

SECTION 413. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

SECTION 414. 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 Engineer will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Engineer shall determine if and where this type of connection to the public sewer is required. Plans shall be submitted to the Engineer for approval prior to issuance of a permit. Connections to existing manholes shall be installed in the public sewer pursuant to Section 503 and the building sewer connection made thereto as directed by the Sewer District Board or its duly authorized designee.

#### ARTICLE V

##### Sewer Extensions

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the District or the Municipality shall be properly designed in accordance with the Recommended Standards for Sewage Works of the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from the Engineer, and the New York State Department of Environmental Conservation, 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.

SECTION 502. If the District or Municipality 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 District and Municipality in accordance with the requirements of Section 501. He, or they, must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 503. The installation of the sewer extension must be subject to periodic inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The engineer's decision shall be final in matters of quality and method of construction. The sewer, as constructed, must pass the exfiltration test required in Section 504 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.

SECTION 503. Sewer design shall be in accordance with the following provisions. Pipe material shall be either asbestos-cement conforming to ASTM Specification C-428; Type II extra-strength vitrified clay conforming to ASTM Specification C-200; or reinforced concrete conforming to ASTM Specification C-76. No standard strength clay pipe or non-reinforced concrete pipe shall be used. Pipe manufactured using other materials may be installed only if prior approval is obtained from the Engineer. Minimum internal pipe diameter shall be eight inches (8"). 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 504 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to building sewers discussed in Section 403. Trench widths as measured just above the crown of the pipe shall not exceed the following:

<u>Pipe Diameter</u>	<u>Trench Width</u>
8"	3'-3"
10"	3'-6"
12"	3'-9"
14"	4'-0"

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

Safety Factor	1.5 (minimum)
Load Factor	1.7 (maximum)
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.

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".

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with a poured 3,000 psi concrete base twelve inches (12") thick, steel troweled concrete or mortar bench walls and inverts, and precast 4-foot diameter concrete manhole barrel sections with concentric tapered top section, as specified by ASTM C-478 or shall be constructed of material of equal quality with the approval of the Engineer. Precast concrete bases may be used when approved by the Engineer. The manhole frame and cover shall be the standard design of the District and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration.

SECTION 504. All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the District. The method employing air for testing of sewers may be used if approved by the Engineer. The exfiltration test consists of filling the pipe with water to provide a head of at least five (5') above the top of the pipe or five feet (5') above groundwater, whichever is higher, at the highest point of the pipe line 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 available for convenient measuring.

When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be 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 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable 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.

The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of 48-inch diameter pipe, five feet (5') long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for 48-inch diameter 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 tests shall be repeated until the leakage requirement is met.

SECTION 505. All sewer extensions constructed at the property Owner's, Builder's or Developer's expense, after final approval and acceptance by the Engineer, shall become the property of the District or Municipality and shall thereafter be maintained by the District or Municipality. Said sewers, after their acceptance by the District, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided by the District. At the sole discretion of the District, a completion bond or certified check may be demanded as part of the guarantee.

SECTION 506. No Builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

ARTICLE VI

Use of the Public Sewers

SECTION 601. No person shall 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.

SECTION 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquids or vapors which contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the District wastewater sewer to exceed 63.5° C (150°F) or the temperature of the influent to the treatment facilities to exceed 40°F unless the facilities can accommodate such heat.
- (b) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (c) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 50 milligrams per liter (417 pounds per million gallons) ether soluble matter.
- (d) Any liquid which could create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or any liquid, solids or gases which by reason of their nature or quality are sufficient either alone, or by interaction with other substances, to cause fire or explosion to be injurious in any other way to the POTW or the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- (e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, or nitrous oxide or other substance, which either single or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (f) Any garbage that has not been properly shredded so that no particle is greater than one-half inch (1/2") in any dimension. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Sewer District Board or its duly authorized designee.
- (g) Any ashes, lint, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, sawdust, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, grain processing wastes, acetylene generating sludge, whey, chemical residues, paint residues or acid residues, cannery waste, food processing, bulk solids, snow, ice or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewers or treatment works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, sewers, equipment and personnel. Free acids and alkalies must be neutralized at all times, within a permissible pH range of 6.0 to 9.5.
- (i) Any long half-life (over 100 days) of toxic radio-active isotopes, or any radio-active wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable State or Federal regulation without a special permit.

- (j) Any pollutants, 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. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" wastewater as measured by suspended solids and BOD and/or which are discharged continuously at a rate exceeding 1,000 gallons per minutes except by special permit. Normal wastewater shall be construed to fall within the following ranges:

<u>Constituents</u>	<u>Permissible Range</u>
Suspended solids	180 to 350 mg/L
BOD	140 to 300 mg/L
Chlorine Requirements	5 to 15 mg/L

- (k) Any storm water, including that from construction sites, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle or motor water, or the contents of any privy vault, septic tank or cesspool, or discharge or effluent from any air conditioning machine, refrigeration unit, shall not be discharged to any public sanitary sewer.
- (l) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, 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.
- (m) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or sums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State Criteria applicable to the sludge method being used.
- (n) Any substance which will cause the POTW to violate its SPDES Permit limits or the receiving water quality standards.
- (o) No person shall discharge wastewater to the sanitary sewer system when any of the pollutant concentrations exceed any of the limits below. These concentrations shall be applied to wastewater effluents at a point just prior to discharge into the District's sewer system. Samples shall be obtained as 24 hour composites unless otherwise specified in a user's sewer use agreement.

<u>Substance</u>	<u>Effluent Concentration Limit (mg/l)</u>
Arsenic	1.0
Barium	5.0
Cadmium	1.0
Chromium, hex	3.0
Chromium, total	5.0
Copper	3.0
Iron	10.0
Lead	1.0
Mercury	0.05
Nickel	1.0
Selenium	1.0
Silver	1.0
Zinc	2.0
Cyanide	2.0
Phenol	10.0
Sulfides	10.0

SECTION 604. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, 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 of a type and capacity approved by the District, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipment with easily removable covers which, when bolted in place, shall be gastight and watertight.

SECTION 605. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation and shall be readily accessible and open to inspection by the Sewer District Board or its duly authorized designee at any time.

SECTION 606. The admission into the public sewers of any waters or wastes have (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing more than 15 milligrams per liter of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than two percent (2%) of the average daily wastewater flow of the District, or (f) being of such nature and delivered at such quantity and quality and at such a rate as to impair the hydraulic capacity, strength or durability of the sewer structures, equipment or treatment works, shall be subject to the review and approval of the Engineer. Where, in the opinion of the Engineer, the water or waste admitted to the system may have a deleterious effect upon the sewage treatment plant, process equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the District may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge and require payment to cover the added cost of handling and treating wastes, such charges being in addition to the regular charges, as determined from the largest ratio of strength of the waste in question to the strength of domestic sewerage as given in (a), (b), (c) above.

SECTION 607. 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 608. When required by the Engineer, the Owner of any property served by building sewer carrying industrial wastes shall install at his expense, a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be constructed in accordance with plans approved by the Engineer and shall be accessibly and safely located and shall be maintained by the Owner.

SECTION 609. Where the person discharging into the sanitary sewers of the District procures any part, or all of, his water from sources other than one recognized by the District, the Sewer District Board or its duly authorized designee may require the person discharging said waste to install and maintain, at the sewer users expense, water meters of a type approved by the Sewer District Board or its duly authorized designee for the purpose of determining the proper volume of flow to be charged. The Sewer District Board or its duly authorized designee has the right to read such private meters and all other water meters within the District.

SECTION 610. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 603, 605 and 606 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", upon suitable samples taken at the control manhole provided for in Section 608. 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 which the building sewer is connected.

SECTION 611. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern. Any special agreement entered into must comply with all applicable Federal and State laws.

SECTION 612. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary wastewater system and any chemical or mechanical corrective treatment required must be accomplished 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 "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. However, alternate methods for the analyses of industrial wastes may be used subject to mutual agreement between the District and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the District.

SECTION 613. The District reserves the right to request the Herkimer County Legislature to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective of this Local Law.

SECTION 614. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Local Law.

SECTION 615. 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 Local Law for sources in that subcategory, shall immediately supersede the limitations imposed under this Local Law. The Sewer District Board shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.13.

SECTION 616. Where the District's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the District may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by which is achieved by the system when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The District may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

SECTION 617. No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State.

SECTION 618. Each User shall notify the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced to the POTW.

SECTION 619. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Local Law. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Local Law. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, time of discharge, type of waste, concentration and volume, and corrective actions.

SECTION 620. Within five (5) days following an accidental discharge; the User shall submit to the Sewer District Board a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or the liability which may be incurred as a result of the damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Local Law or other applicable law.

SECTION 621. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Agreement or Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a Wastewater Discharge Agreement or Permit at the discretion of the District within one year after the effective date of this Local Law.

SECTION 622. Users required to obtain a Wastewater Discharge Agreement or Permit shall complete and file with the District, an application (Industrial Sewer User Survey) in the form prescribed by the District. Existing users shall apply for a Wastewater Discharge Agreement or Permit within 30 days after the effective date of this Local Law, and proposed new users shall complete and file an application (survey) at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, all information requested, including the following:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standards Industrial Classification Manual Bureau of the Budget, 1972, as amended, or the most recent edition thereof;
- (c) A general process block diagram showing manufacturing processes, flow paths, raw water sources, discharge outlets and average discharge flows;
- (d) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (e) Where required by the Sewer District Board, the nature and concentration of any pollutants in the discharge which are limited by any District, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether the additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (f) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The complete date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)



- (2) No increment referred to in paragraph (2) shall exceed 9 months.
- (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Sewer District Board 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 the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Sewer District Board.
- (g) Each product produced by type and annual quantity.
- (h) Type and annual quantity of raw materials processed.
- (i) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (j) Any other information as may be deemed by the District to be necessary to evaluate the permit application.

The District will evaluate the data furnished by the user and may require additional information.

SECTION 623. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Agreement or Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously obtained a Wastewater Discharge Agreement or Permit as required by Article IV of this Local Law, the User shall do so within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Agreement or Permit shall submit to the Sewer District Board within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (e) and (f) of Section 621.

SECTION 624. Wastewater Discharge Agreement and Permits shall be expressly subject to all provisions of this Local Law and all other applicable regulations, user charges and fees established by the District and approved by the Herkimer County Legislature. Agreements and Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling, locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District and affording District access thereto;
- (i) Requirements for notification of the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (j) Requirements for notification of slug discharges as per Section 603 of this Local Law.
- (k) Other conditions as deemed appropriate by the District to ensure compliance with this Local Law.

SECTION 625. The terms and conditions of the agreement or permit may be subject to modification by the District with approval by the Herkimer County Legislature during the term of the agreement or permit as limitations or requirements as identified in Article VI are modified or other just cause exists.

SECTION 626. Wastewater Discharge Agreements and Permits are applicable to a specific User for a specific operation. A Wastewater Discharge Agreement or Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the District. Any succeeding owner or User shall also comply with the terms and conditions of the existing agreement or permit.

SECTION 627. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Sewer District Board 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 facility which are limited by such Pretreatment Standards or requirements. The report shall state whether the applicable Pretreatment Standards or 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.

SECTION 628. 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 Sewer District Board during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Sewer District Board or its duly authorized designee a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. At the discretion of the Sewer District Board in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Sewer District Board may agree to alter the months during which the above reports are to be submitted.

SECTION 629. The Sewer District Board may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 627 shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Sewer District Board, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analyses shall be performed in accordance with procedures established by the administrator of the FPA pursuant to section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the administrator of the EPA. Sampling shall be performed in accordance with the techniques approved by the administrator of the EPA.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA).

SECTION 630. Users shall provide necessary wastewater treatment as required to comply with this Local Law and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense.

The following requirement is specified by federal regulation (40 CFR 403.8(f) (2) (vii):

The District shall annually publish, in the largest daily newspaper(s), a list of Industrial Users which, during the previous 12 months, were significantly violating applicable Pretreatment Standards or other Pretreatment Requirements. For the purpose of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve month period; which involves a failure to accurately report noncompliance; or which resulted in the District exercising its emergency authority.

SECTION 631. Information and data on a User obtained from reports, questionnaires, applications, agreements and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests confidentiality by designating any such information with an appropriate label ("Confidential"). The District reserves the right to request that an industry requesting confidentiality demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

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 Disposal System permit and/or the Pretreatment Program; 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.

Information accepted by the District as confidential, shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten day notification is given to the User.

#### ARTICLE VII

##### Protection from Damage

SECTION 701. Each applicant 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 wastewater disposal and shall pay a prescribed fee for insurance coverage protecting the District or Municipality, in the amount of at least Ten Thousand Dollars (\$10,000) to cover damage to District facilities or user's facilities.

#### ARTICLE VIII

##### Powers and Authority of Inspectors

SECTION 801. The Sewer District Board or its duly authorized designee; Engineer and other duly authorized employees of the District, including USEPA and NYSDEC representatives, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purpose of inspection, observation, measurement and sampling of the wastewater discharge to ensure that discharge to the District wastewater facilities is in accordance with the provisions of this and other applicable laws;

#### ARTICLE IX

##### Penalties and Enforcement

SECTION 901. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's or Municipality's sewers or treatment works. Any person violating this provision shall be subject to arrest, under the applicable provisions of the Penal Law provided in the circumstances. Prosecution of violators hereunder shall be by the District Attorney of Herkimer County or by the attorney for the District upon due authorization.

SECTION 902. (a) Notwithstanding any inconsistent provisions of law whenever the Sewer District Board or its duly authorized designee finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irreversible or irreparable damage to the public sewer system, and it therefore appears to be prejudicial to the public interest to delay action until notice and opportunity for a hearing can be provided, the Sewer District Board may order such user by notice, in such form as in the Sewer District Board's judgment will reasonably notify such person whose practices are intended to be proscribed, to forthwith discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily

with such emergency order, or where the giving of notice is impracticable, the Sewer District Board may take all appropriate action, including severance of the sewer connection to abate the violating condition. As promptly as possible thereafter, not to exceed ten (10) days, the Board shall provide the user an opportunity to be heard in accordance with the provisions of Article IX.

(b) The Sewer District Board or its duly authorized designee, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his or their duties to protect the public health, safety or welfare, or preserve the public sewer system.

SECTION 903. The District may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the District Board why the proposed enforcement action 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 District 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 District Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The District Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

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

At any show cause hearing held pursuant to this Local Law, testimony taken must be under oath and recorded stenographically. The transcript, so recorded will be made available to any member of the public or any part to the hearing upon payment of the usual charges thereof.

After the Sewer Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as necessary and appropriate may be issued.

SECTION 904. Any person who violates any provision of this Local Law other than those provisions pertaining to the payment of charges for services established herein, in addition to being subject to prosecution under Section 901, if circumstances so warrant, may be subject to a civil penalty in the amount of not more than Three Hundred Dollars (\$300.00) for each violation. The continued violation of any such provision of this Local Law shall constitute a separate violation for each and every day such violation shall continue and the violator may be subject to such civil penalty accordingly.

SECTION 905. 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 Wastewater Discharge Agreement or Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

SECTION 906. Any User is subject to having his agreement or permit revoked, modified or suspended in accordance with the procedures of Article IX of this Local Law, where the District finds:

- (a) A violation of any term or condition of the agreement or permit; and
- (b) A violation of any applicable state or federal regulation; or
- (c) That the agreement or permit was obtained by misrepresentation or failure of a User to disclose fully all relevant facts regarding wastewater constituents and characteristics of their discharge; or
- (d) A change in condition or the existence of a condition which requires either a temporary or permanent reduction of the authorized discharge.

SECTION 907. This District may institute through the proper authorities any appropriate civil action to effect recovery of penalties or damages and may institute any suit or proceeding for equitable or injunctive relief to prevent violations of any provisions of the Local Law.

SECTION 908. Any person violating any of the provisions of this Local Law shall become liable to the District for any expense, loss or damage occasioned the District or Municipality by reason of such violation.

SECTION 909. The District shall sue, or be sued, in the name of the County of Herkimer.

#### ARTICLE X

##### Assessments and Charges

SECTION 1001. The source of a portion of the revenues for retiring debt service, capital expenditures, operation and maintenance of the District's Sewage Works shall be a combination of Benefit Assessment and Sewer Service Charge assigned to Owners of property and users of the system within the District, established and assessed in accordance with Article 5-A of the County Law of the State of New York.

SECTION 1002. The District may adopt charges and fees, subject to the approval of the County Legislature, which may include:

- (a) fees for reimbursement for costs of setting up and operating the District's Pre-treatment Program;
- (b) fees for monitoring, inspection and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for negotiations;
- (e) fees for filing appeals;
- (f) fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Local Law and are separate from all other fees chargeable by the District.

SECTION 1003.

- (a) Revenues to pay the annual installment of principal of, and interest on, obligations issued for the purpose of the Sewer District, together with approved capital expenditures, (known as the Capital Budget) shall be derived from a benefit assessment levied on all property within the District. The benefit assessment shall be determined by applying the latest adopted equalization rate for each town as

established by the Herkimer County Legislature to the "adjusted assessed valuation" of each parcel to reach full value. The amount to pay the Capital Budget shall be divided by the total full value to obtain the tax rate per one dollar of full value. This full value rate will then be multiplied by the full value of each individual town to determine that town's share of the Capital Budget. The town's share will then be divided by that town's adjusted assessed valuation to determine the equalized tax rate per thousand for each individual parcel. This formula shall be followed for both users and non-users.

- (b) A percentage of the Capital Budget as determined by the Board each year, shall be thus derived from users defined as properties connected to (or capable of being connected to within the appropriate definitions as set out in this law) and/or discharging wastewater into the District's sewage works; and the remaining portion shall be derived from non-users defined as properties not so connected (and not capable of being connected within the appropriate definitions as set out in this law) and not discharging wastewater into the District's sewage works. The proportionate share of the Capital Budget to be paid by users and non-users shall be determined by the Sewer District each year, subject to the review of the Legislature, as provided by the County Law.
- (c) The "adjusted assessed value" of each parcel shall be assessed value except that the District may adjust the assessed value to reflect as nearly as possible the benefit to be received by each parcel as follows:
  - (a) The assessed value of a property both within and without the District shall be adjusted to include only the value within the Sewer District.
  - (b) Up to fifty percent of the assessed value of parcels currently being used as schools and churches and other tax exempt properties may be waived.
  - (c) The proportionate share of the Capital Budget to be paid by users and non-users, and the adjustments made to arrive at the "adjusted assessed valuation" shall be listed in schedules and such schedules shall be approved by the Herkimer County Sewer Board and submitted with its assessment roll to the Herkimer County Budget Officer.

SECTION 1004. Revenues for defraying operation and maintenance costs shall be raised by assigning a Sewer Service Charge to all users of the District's Sewage Works. Each users' normal charge shall be calculated by multiplying the volume of wastewater discharged to the Sewage Works by the User Rate established by the District Board. Volume of wastewater shall be determined in accordance with the following parameters:

- (a) For users connected to a public water supply with no other source of supply, metered water consumption shall be used to determine the volume.
- (b) For users not connected to a public water supply, volume shall be as estimated or measured by the Sewer District Board or its duly authorized designee.
- (c) For users with both a public and private water supply, metered water consumption shall be used to determine volume unless the actual volume, as measured by the Sewer District Board or its duly authorized designee exceeds the metered volume in which case the measured volume shall be used to calculate the charge.

SECTION 1005. Industrial and commercial users discharging wastewater to the District's Sewage Works, which exceed the strength of "normal sewage" as defined in Section 603, shall be assigned a surcharge in addition to their normal charge. The surcharge shall depend on the volume, strength and character of the wastewater, as determined from measurement and sampling by the Sewer District Administrator, and shall be calculated using the following formulas when the concentrations of suspended solids (SS) exceed 350 mg/liter and/or biochemical oxygen demand (BOD) exceed 300 mg/liter.

$$S_1 = NC \times \left( K_1 \times \frac{SS-350}{350} \right)$$

$$S_2 = NC \times \left( K_2 \times \frac{BOD-300}{300} \right)$$

Where:

$S_1$  = Monthly surcharge, in collars, for suspended solids.

$S_2$  = Monthly surcharge, in dollars, for biochemical oxygen demand.

NC = Normal Charge, in dollars, for the month when sampling done as calculated under Section 1003.

$K_1$  = A factor representing the apportioned cost of treatment of suspended solids (SS), as determined by the District Board.

$K_2$  = A factor representing the apportioned cost of treatment of biochemical oxygen demand (BOD) as determined by the District Board.

SS = Excessive suspended solids, in mg/liter, which shall be an average of at least four (4) separate samples taken during the calendar month.

BOD = Excessive biochemical oxygen demand, in mg/liter which shall be the average of at least four (4) separate samples taken during the calendar month.

SECTION 1006. A Benefit Assessment shall be assessed each calendar year in accordance with the County Law of the State of New York. Sewer Service Charges shall be computed and billed quarterly according to the procedures adopted by the Herkimer County Sewer District and confirmed by the Herkimer County Legislature as required by law.

Sewer Service Charges may be paid without penalty on or before the thirtieth (30th) day of the month in which the bills are issued. Bills may be paid at either the Ilion, Frankfort or Mohawk branches of the Oneida National Bank and Trust Company of Central New York or directly to the Herkimer County Sewer District either in person or by mail.

In the event any charge remains unpaid by the thirty-first (31st) day of October of any year, penalties shall be assessed and levied as provided for in Section 266 (3) of the County Law of the State of New York.

SECTION 1007. Measurement of volume, if necessary, and sampling of industrial wastes shall be accomplished once every three (3) months by the Sewer District Board or its duly authorized designee for a particular user, and the data obtained shall be utilized to calculate the user's normal charge and surcharge for said three-month period. If a particular user requests more frequent measurements and sampling, such additional measurement and sampling will be carried out by the Sewer District Board or its duly authorized designee and the cost thereof, as determined by the Herkimer County Sewer District Board shall be borne by said user.

SECTION 1008.

(a) Every public hearing required to be held under Section 266 of the County Law by the Herkimer County Sewer Board by any law, rule, regulation or local law, shall be held in the following manner:

1. The date, time, place and purpose for holding any such hearing shall be determined by the Sewer Board by the passage of an appropriate resolution.
2. Notice of said public hearing shall be published at least two times in the official newspapers of the County of Herkimer, the first publication to be not less than five days before the date set for the hearing. The notice of hearing shall include a brief description of the purpose of the hearing.
3. A record shall be kept of all those persons speaking at the hearing and/or filing written statements. No stenographic record need be kept but a tape recording shall be made of the meeting.

4. The official of the Herkimer County Sewer Board chairing said public hearing shall announce before the conclusion of the hearing the date when any decision based upon said public hearing will be made by the Sewer Board.
- (b) Appeals. Within five days after any decision made as a result of a public hearing by the Herkimer County Sewer Board any person with an interest therein may appeal in writing from the effect of said decision upon them to the Herkimer County Legislature. Said appeal shall be filed with the Clerk of the Legislature.
1. The appeal shall be heard by the Committee on County Planning and Development of the Herkimer County Legislature. Said Committee may decide the appeal upon the written appeal so submitted or it may in its discretion allow the appellant to appear before it, consult with the Herkimer County Sewer District or its officials, or take such other steps as it considers necessary to reach a decision.
  2. The County Planning and Development Committee shall file a written report of its decision upon said appeal with the Clerk of the Herkimer County Legislature within two weeks after said appeal was first received by the Legislature and a copy of said decision shall be mailed to the appellant by said Clerk.

#### ARTICLE XI

##### License

SECTION 1101. Each and every person will be required to have a license issued or approved by the Herkimer County Sewer District or the municipality before he will be permitted to do any plumbing or related work affecting the sewage collecting and treating system in the District or municipality.

SECTION 1102. As part of the application for license to do work in the District, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of New York, in a form provided by the District, or present proof of acceptance of a license bond by a municipality within the District, in the amount of at least Ten Thousand Dollars to cover damage to District facilities or users' facilities.

#### ARTICLE XII

##### Validity

SECTION 1201. All ordinances and local laws or parts of ordinances and local laws in conflict herewith are hereby repealed.

SECTION 1202. The invalidity of any section, clause, sentence or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

#### ARTICLE XIII

##### Local Law in Force

SECTION 1301. The Local Law adopted by the Legislature May 10, 1982, as Local Law No. 3 for the year 1982 which became effective June 24, 1982 and was filed in the Office of the Clerk of the Legislature as Local Law No. 5 for the year 1982, is hereby repealed in its entirety, said repeal to be effective on the date this Local Law becomes effective.

SECTION 1302. This Local Law shall take effect after enactment by the Herkimer County Legislature in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Adopted: September 10, 1984.  
Effective: October 25, 1984.