

Town of Middletown

SEWER USE LAW

*Applicable To The Sewer Service Areas
Served By The Margaretville Wastewater Treatment Plant
In The Town of Middletown*

A Local Law Repealing Local Law No. 3 of 2007
And Replacing it in its entirety with Local Law
No. 3 of 2012

Local Law No. 3 of 2012

(Adopted On July 10, 2012)

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ARTICLE 1

SHORT TITLE AND PURPOSE

Section 1.01 - Short Title

For brevity and ease of communication, the Town of Middletown Sewer Use Law may be cited as this Law.

Section 1.02 - General Purpose

The general purpose of this Law is the following:

To provide for efficient, economic, environmentally safe, and legal operation of the Margaretville Publicly Owned Treatment Works (POTW).

Section 1.03 - Specific Purposes

The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the POTW that will:

- (a) interfere with the POTW in any way,*
- (b) pass through the POTW into the State's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,*
- (c) increase the cost or hamper the disposal of POTW sludge and/or other residuals,*
- (d) endanger employees responsible for the operation, maintenance, and repair of the POTW,*
- (e) cause air pollution, or groundwater pollution, directly or indirectly, or*
- (f) cause, directly or indirectly, any public nuisance condition.*

(2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(3) To assure that new sewer connections are properly constructed.

Section 1.04 - Applicability of Sewer Use Law

This Law shall apply only to areas in the Town that are currently served by the POTW and to areas that will be connected to the sewer collection system in the future.

Section 1.05 - Replacement of Previous Sewer Use Law or Ordinance

The provisions of the Town's existing Sewer Use Law are hereby repealed and said provisions are replaced by the herein set forth Articles 1 through 12.

Section 1.06 - Referenced Standards

Where this law references standards of design or construction, such as but not limited to ASTM standards, ANSI standards, and Ten State Standards, or NYCDEP, NYCDEC or US EPA regulations or standards, such reference will be to the latest edition of any such standards or regulation.

ARTICLE 2

DEFINITIONS

Section 2.01 - Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this Law, shall is mandatory; may is permissive.

Abnormal Sewage - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

Act or "THE ACT" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

Administrator - The Regional Administrator of the U. S. Environmental Protection Agency (USEPA),
Region 2.

Ammonia - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

Applicant - That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

Approval Authority - The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

Approved Laboratory Procedure - The procedures defined as 'Standard Methods' in this article, or other procedures approved by the NYCDEP for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewater, and/or sludge.

ASTM, denoting American Society for Testing and Materials - The latest edition of any ASTM specification, when stipulated in this Law.

Authorized Representative of the Industrial User - An authorized representative of the industrial user may be:

- (1) A principal executive officer of at 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;

(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.

Available Capacity of POTW - Difference between the POTW's capacity and the average daily flows that the POTW treats.

BOD, denoting Biochemical Oxygen Demand - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter in a sample, expressed in milligrams per liter.

Builder - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

Building Drain - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

Building Inspector - Individual (or their authorized representative) appointed by the Town Board who is responsible for inspecting construction activities in the Town of Middletown and for issuing building permits and certificates of occupancy in the Town. The Building Inspector is the person with the overall responsibility for enforcing the Town of Middletown Sewer Use Law. He/she is also responsible for receiving applications for the construction of new laterals (and their sewer connections) and for submitting them to NYCDEP for approval.

Building Lateral - The portion of a lateral that extends from the property line (or theoretical curb-cut) up to the foundation of the structure being served by the sewer system.

Capacity of POTW (Including City-Owned WWTP) - The maximum amount of wastewater flow (in gal. per day) that a POTW can effectively treat. This is the same as the POTW's design flow permitted under its SPDES Permit.

Categorical Industrial User - See User, Categorical Industrial

Chlorine Demand - The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

City of New York's Water Supply - The New York City public water supply system includes all water courses, wetlands, reservoirs, reservoir stems and controlled lakes tributary thereto that are within the City's watershed areas and which provide drinking water to New York City residents and other specified communities along the water system's aqueducts.

COD, denoting Chemical Oxygen Demand - The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

Color - The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Composite Sample - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

Connection - Attachment of a structure with plumbing to a lateral.

Control Manhole - A manhole accessible to wastewater treatment plant and/or sewer system personnel such that samples collected from the manhole represent the flow to the POTW from a specific source.

Conventional Pollutant - A pollutant that the POTW was designed to treat, defined in accordance with the Act.

Cooling Water - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

Developer - Any person who subdivides and/or acquires land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

Direct Discharge - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

District Engineer - Employee(s) of New York City Department of Environmental Protection (NYCDEP) responsible for the overall operation and maintenance of City-owned wastewater treatment plants and sewage collection systems in the New York City Watershed.

Domestic Wastes - see Sewage, Domestic.

Dry Sewers - The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

End of Pipe - For the purpose of determining compliance with limitations prescribed by Article 9 (Discharge Restrictions), end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

End of Pipe Concentration - The concentration of a substance in a sample of wastewater at end of pipe.

End of Process Concentration - see National Categorical Pretreatment Standard.

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

Emergency Violation - A violation of the Sewer Use Ordinance that, unless immediately corrected, poses a substantial and imminent threat to public health, safety or welfare.

EPA, USEPA, or U.S. Environmental Protection Agency - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this agency.

Extension - Attachment of a new sewer main, with more than one user, to an existing sewer main, unless otherwise designated as a lateral by NYCDEP and the Building Inspector.

Facility - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

Floatable Oil - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

Flow Rate - The quantity of liquid or waste that flows in a certain period of time.

Garbage - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

Grab Sample - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

ICS Form - The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

Indirect Discharge - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge)

Industrial - Meaning or pertaining to industry and/or manufacturing, and is distinguished from domestic and residential.

Industrial Chemical Survey (ICS) - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

Industrial User - See User, Industrial

Industrial Wastes - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial and/or manufacturing processes, as distinct from sanitary sewage.

Infiltration - Water, other than wastewater, which enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

Inflow - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Interference - A discharge which, alone or in conjunction with discharges by other sources,

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) therefore is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory

provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- (a) - Section 405 of the Clean Water Act,
- (b) - the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
- (c) - Clean Air Act,
- (d) - Toxic Substance Control Act, and
- (e) - Marine Protection Research and Sanctuaries Act.

Lateral - Pipe or conduit that goes from the sewer main up to the foundation of a structure with plumbing that is used to transmit sewage from the structure to the sewer collection system.

Margaretville Sewer Service Area - The Margaretville Sewer Service Area is the area shown on the map attached hereto, entitled "Margaretville Wastewater Treatment Plant's Sewer Collection System Service Area Map", dated January, 2012, as may be amended from time to time, and incorporated herein as Appendix A.

Margaretville Wastewater Treatment Plant (WWTP) - A City-Owned wastewater treatment plant that, with its sewage collection system, comprises a part of the POTW. For purposes of this Law, all references to discharges to the Margaretville WWTP shall include discharges to its sewage collection system as well except where specifically stated otherwise.

National Categorical Pretreatment Standard, or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and C of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

National Prohibitive Discharge Standard, or Prohibitive Discharge Standard - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

Natural Outlet - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

New Owner - Individual or entity who/that purchased property within the Service Area of the Margaretville WWTP after the effective date of this law.

New Source - Any source, the construction of which is commenced after the publication of the proposed regulation 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.

New User - A discharger to the POTW who commences discharge after the effective date of this Law.

New York City Department of Environmental Protection(NYCDEP) - An agency of the City of New York that is involved principally with water supply and environmental protection activities, including watershed protection activities, in both New York City proper and the City's East and West of Hudson Watershed areas. NYCDEP owns and operates the Margaretville Wastewater Treatment Plant and certain parts of the sewer system serving that plant in the Town of Middletown .

NYC Rules and Regulations- Rules and Regulations For the Protection from Contamination,

Degradation and Pollution of the New York City Water Supply and Its Sources, 10 NYCRR Part 128, 18 RCNY Chapter 18, as the same may be amended from time to time.

Nuisance - The use or lack of use of the POTW in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the wastewater treatment and sewage collection system.

Oil and Grease - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

Old Owner - That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, or who inherited the property at any time and intends to sell the property, or has sold the property to a new owner; also the agent of the old owner.

Other Wastes - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

Pass Through - The discharge which exits the POTW into waters of the State in quantities, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit(s) (including an increase in the magnitude or duration of a violation).

Permit - A temporary revocable written document allowing use of POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Law.

Person - Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

pH - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

Phosphorus, total - See total phosphorus.

Pollutant - Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

Pollution - The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the State's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

(POTW) Publicly Owned Treatment Works - A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292). This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment. For the purposes of this Law, the Margaretville Wastewater Treatment Plant and its sewage collection system, are considered the POTW.

Pretreatment (Treatment) - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a wastewater

treatment and sewage collection system. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment Standard or National Pretreatment Standard - Any Categorical Standard or Prohibitive Discharge Standard.

Priority Pollutants - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

Prohibitive Discharge Standard - see National Prohibitive Discharge Standard.

Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (½) inch in any dimension.

Receiving Waters - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

Records - Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to, letters, files, memoranda, directives, notes and notebooks, email, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

Roof Drain - A drain installed to receive water collecting on the surface of a roof for disposal.

Septage - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

Septic Tank - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any local, State, and New York City requirements.

Service Area - Area within which structures with plumbing discharge wastewater into the Sewage Collection System that connects to a WWTP or are eligible to discharge wastewater into the Sewage Collection System pending application and approval for a service connection.

Sewage - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage", within the meaning of this definition.

Sewage Collection System - All facilities used for collecting, regulating, pumping, and

transporting sewage to a wastewater treatment plant, in this case the Margaretville WWTP.

Sewage, Domestic (Domestic Wastes) - Liquid wastes from the non-industrial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the occupants in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing or floor/wall washing. Therefore, domestic sewage includes both black water and grey water (See Sewage, Sanitary). The preparation, cooking and handling of food primarily for consumption on-site in the case of restaurants, shall not be considered commercial for purposes of this definition provided the sanitary system and grease trap (if warranted) are constructed consistent with the New York City Watershed Regulations, DEC's Design Standards for Wastewater Treatment Works (Intermediate-sized) published in 1988, and any applicable Department of Health regulations.

Sewage, Normal - Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- (1) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less;
- (2) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less;
- (3) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less;
- (4) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less;
- (5) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less;
- (6) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less;
- (7) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less;
- (8) Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less;

and, do not exceed any of the concentration limits set forth in Sections 7.03 and 7.04.

Sewage, Sanitary - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes)

Sewage, Unusual Strength or Character - Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

Sewer or Sewer Main - A pipe or conduit used for carrying or transporting sewage to a wastewater treatment plant.

Sewer Extension Program Agreement - The Agreement Among the City of New York, the Village of Margaretville and the Town of Middletown for Sewer Extensions to the Margaretville WWTP, executed on September 12, 2005 (the "Agreement").

Sewer, Combined - A sewer designed to receive and transport both surface runoff and sewage.

Sewer, Public - A sewer in which all abutting property owners have equal rights to its use.

Sewer, Sanitary - A sewer which carries sewage, and to which storm, surface, and groundwater are not intentionally admitted.

Sewer, Storm (Storm Drain) - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

Significant Industrial User - see User, Significant Industrial

Significant Non-Compliance (SNC) - A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the NYCDEP determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Building Inspector's exercise of its emergency authority under Article 9 "Enforcement and Penalties" of this Law;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to report accurately any non-compliance;
- (8) Any intentional discharge of stormwater or groundwater other than due to infiltration into house laterals or directly into sewer mains where the connection was constructed after the effective date of this law;
- (9) Any other violation which the Building Inspector (or in cases where NYCDEP has exercised its enforcement authority hereunder, NYCDEP) determines will adversely affect the implementation or operation of the local pretreatment program.

Slug - A substantial deviation from normal rates of discharge or constituent concentration (see Normal Sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall be presumed to constitute a slug.

Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

Standard Methods - Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used, or any other procedure approved by the NYCDEP.)

State - State of New York.

State Pollution Discharge Elimination System (SPDES) Permit - Permit issued by the New York State Department of Environmental Conservation regulating the discharge of pollutants from new or existing outlets or point sources into the waters of the State.

State's Waters - See Waters of the State.

Stormwater - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

Street Lateral - The portion of a lateral that extends from the sewer main to the property line (or theoretical curb-cut).

Substances of Concern - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to people or the environment.

Sump Pump - A machine used for removing standing water from one location and disposing it elsewhere.

Suspended Solids - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

Total Kjeldahl Nitrogen (TKN) - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

Total Phosphorus - The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

Town - The Town of Middletown, an incorporated municipality of the State of New York.

Toxic Substances - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to the POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Toxic substances shall include, without limitation, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

User - Any person who contributes, causes, or permits the contribution of wastewater into the POTW including but not limited to the owner of a leased or rented property.

User, Categorical Industrial (CIU) - An industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

User, Existing - A discharger to the POTW who is discharging on or before the effective date of this Law.

User, Industrial - A discharger to the POTW who discharges non-domestic wastewater.

User, New - A discharger to the POTW who initiates discharge after the effective date of this Law.

User, Significant Industrial (SIU) - An industrial user of the POTW who is:

(1) A CIU; or

(2) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW; or

(3) Except as provided in 40 CFR 403.3(t)(2), any other industrial user that contributes a process wastestream which makes up 5 percent or more average dry weather hydraulic or organic capacity of the POTW; or

(4) Any other industrial user that NYCDEP, in consultation with the Town designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

Wastewater - The liquid and water-carried industrial or domestic wastewater from dwellings, commercial establishments, industrial facilities, and institutions, which is permitted to enter the POTW.

Wastewater Discharge Permit - A permit that is granted that allows a connection to be made to the sewer collection system.

Wastewater Treatment Plant (WWTP) - That portion of a wastewater treatment and sewage collection system, in this case, the Margaretville WWTP owned and operated by the City of New York, designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

Wastewater, Unusual Strength or Character - see Sewage, Unusual Strength or Character.

Watershed (New York City Watershed) - The drainage basins of the Catskill, Delaware and Croton Systems. Maps of the Watershed are located at various offices within NYCDEP.

Waters of the State (State's Waters) - All streams, lakes, ponds, marshes, water courses, 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.

Section 2.02 - Abbreviations

The following abbreviations shall have the designated meanings:

| | | |
|--------|---|---|
| ANSI | - | American National Standards Institute |
| ASTM | - | American Society for Testing and Materials |
| AWWA | - | American Water Works Association |
| BOD | - | Biochemical Oxygen Demand |
| CFR | - | Code of Federal Regulations |
| CPLR | - | Code of Public Law and Rules |
| COD | - | Chemical Oxygen Demand |
| EPA | - | Environmental Protection Agency |
| L | - | Liter |
| Mg | - | Milligram |
| Mg/l | - | Milligrams per liter |
| NCPI | - | National Clay Pipe Institute |
| NPDES | - | National Pollutant Discharge Elimination System |
| NYCDEP | - | New York City Department of Environmental Protection |
| NYSDEC | - | New York State Department of Environmental Conservation |
| NYSDOH | - | New York State Department of Health |
| NYSDOT | - | New York State Department of Transportation |
| P | - | Total Phosphorus |
| PSI | - | Pounds per Square Inch |
| PPM | - | Parts per Million, weight basis |
| SIC | - | Standard Industrial Classification |
| SPDES | - | State Pollutant Discharge Elimination System |
| SWDA | - | Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq. |
| TSS | - | Total Suspended Solids |
| U.S.C. | - | United State Code of Laws |
| WWTP | - | Wastewater Treatment Plant |

Section 2.03 - Undefined Terms

Terms not defined in this Article, or terms found to be ambiguous or improperly defined in this Article, shall be defined by the Act, or Regulations, pursuant thereto.

Article 3

WASTEWATER DISPOSAL LIMITATIONS AND REQUIREMENTS

Section 3.01- Connecting Private Sewage System to Storm Drain Unlawful

No person shall connect a private sewage system so that sewage flows into a storm drain intended exclusively for stormwater.

Section 3.02 - Stormwater Discharge Into Sewer System Prohibited

It shall be unlawful to discharge any stormwater (including from within or outside of a private residence or other structures) into the POTW. Stormwater connections existing at the effective date of this Law will be required to disconnect in accordance with a schedule developed by the Town Board and the NYCDEP.

Section 3.03 - Building Permit Allowed Only When Approved Wastewater Disposal Available

No property owner, builder, or developer shall be issued a building permit for a new, modified, or expansion of existing dwelling or structure requiring additional sanitary facilities unless a suitable, legal and approved method of wastewater disposal is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers or other approved system for wastewater treatment.

Section 3.04A - Connection to Public Sewer Required Within The Margaretville Sewer Service Area

Unless specifically exempted by a resolution of the Town Board and approved by NYCDEP (which approval shall not be unreasonably withheld), the owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley, or right-of-way under which there is located a public sewer, shall connect such facilities directly with the proper public sewer, subject to NYCDEP approval, in accordance with Section 501A, within ninety (90) days after the Building Inspector provides notice to do so, provided that the structure is within the Margaretville Sewer Service Area and within one hundred (100) feet from that portion of the road where the sewer is located and there is adequate capacity to treat the added wastewater flows at the Margaretville WWTP, except as otherwise provided in Section 304B of this law. In the event there is inadequate capacity at the Margaretville WWTP to handle additional flows, the property owner(s) may apply for construction of an on-site septic system or other form of legal sewage management/disposal system pursuant to applicable law including the NYC Watershed Rules and Regulations.

Section 3.04B - Connections Required Pursuant to Sewer Extension Program Agreement

Each residence or structure with indoor plumbing, erected prior to the start of construction of sewer mains pursuant to the Agreement shall be connected to such sewer main if the property is adjacent to that portion of the road under which said sewer main has been constructed, or is situated on a landlocked parcel that is benefited by a right-of-way across property adjacent to such a road or where such sewer main passes through the property, provided the residence or structure is no more than 250 feet from the center line of the road or sewer main respectively. Each such owner shall connect such residence or structure to the new laterals constructed by New York City under the Agreement within ninety (90) days of receipt of notice from the Town's Building Inspector notifying them that the new sewer main and lateral to their residence or structure are fully operational. Such notice shall not be issued by the Town without receipt of NYCDEP's written authorization.

Section 3.04C - Disconnection Requested

Once the residence or structure has been connected to the new sewer main, any cesspool, septic tank or similar wastewater disposal facility, the "Facilities", that served such residence or structure, shall be disconnected. Septage from the Facilities shall be removed by a licensed septage hauler and the Facilities shall either be filled with clean sand, bank-run gravel or dirt, or removed and disposed of in accordance with applicable state and federal law.

Section 3.05 - Limitation on Use of Public Sewers

The use of public sewers shall be strictly limited and restricted, except as provided in Section 304 above, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the POTW.

Section 3.06 - Wastewater from Outside the POTW Service Area and Inter-municipal Agreements

The NYCDEP shall have the authority to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the Margaretville WWTP. The prior written approval of the NYCDEP shall be required before any such sewage or wastes is so accepted.

If the Margaretville WWTP accepts wastewater from a private individual under this section, the acceptance shall be made only upon the granting of a permit by the NYCDEP that sets forth the terms and conditions of such acceptance.

Section 3.07 - Moratorium

If the NYCDEP, after consultation with the Town determines that:

- (1) one or more segments of the POTW is exceeding its hydraulic capacity at any time; and/or*
- (2) any specific purpose of this Law as set forth in Section 103 is being violated;*

it shall have the authority to the extent consistent with the Agreement, to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected, provided that NYCDEP has also determined that a moratorium is necessary to address the exceedance(s) or violation(s) referred to subparagraph 1 and 2. Such correction(s) may be, but are not limited to:

- (1) construction of new facilities;*
- (2) enlarging existing facilities;*
- (3) correction of inflow and infiltration; and*
- (4) cleaning and repairing of existing facilities.*

In cases where a property owner is denied a permit to install a lateral to a new structure due to a moratorium under this section, the property owner(s) may apply for construction of an on-site septic system or other form of legal sewage disposal pursuant to applicable law including the NYC Watershed Rules and Regulations.

Nothing in this section increases or decreases the City's obligation to implement such correction under applicable law.

Section 3.08 - Basis of Sewer Use Requirement

All requirements, directives, and orders calling for mandatory use of the sewers, within the Margaretville Sewer Service Area, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town, in consultation with NYCDEP as appropriate.

Section 3.09 - Direct Connection to New Sewers Required

Unless specifically exempted by a resolution of the Town Board in compliance with any and all agreements with NYCDEP, within the Margaretville Sewer Service Area at such time that a new sewer becomes available to a property with a structure (with plumbing) located within 100 ft. from that portion of the road where such sewer main is located, a direct connection to the sewer shall be required, pursuant to Section 304A of this Law, subject to NYCDEP review and approval.

Article 4

NEW SEWERS or SEWER EXTENSIONS

Section 4.01 - Permits Required

No person shall uncover, make any connection with or opening into, alter, or disturb any public sewer or appurtenance thereof associated with the POTW without first obtaining a permit from NYCDEP.

Section 4.02 - Proper Design

New sanitary sewers (including the replacement of existing sewer mains) and all extensions to sanitary sewers owned and operated by NYCDEP shall be designed by a professional licensed to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in conformance with all requirements of the NYSDEC. Before a private developer initiates the construction of any new sewer mains not funded by NYCDEP, plans and specifications shall be submitted to, and written approval shall be obtained from the NYS Department of Health, NYSDEC, and/or NYCDEP, to the extent required by applicable law. The design shall anticipate and allow for flows from all possible future extensions or developments. All plans and specifications shall include flow estimates prepared by a licensed engineer.

Any proposed sanitary sewers, and all extensions to sanitary sewers, shall be subject to both the adequacy of downstream sewers to transmit wastewater flows without interruption to a POTW and to a POTW's capacity to accept additional wastewater flows. Subject to any limitations that may exist as a matter of law, NYCDEP shall have the authority to determine whether any proposed sewer extensions or additions will be approved or denied.

Requests for NYCDEP to construct new sewers and/or sewer additions to the Sewer Collection System shall be submitted to NYCDEP in writing by the Town for review and approval.

Section 4.03 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be in accordance with Section 401. All expenses associated with the construction of new sanitary sewers or extensions shall be born by the property owner, builder, or developer. Each street lateral shall be installed and inspected pursuant to Article 5 herein, and inspection fees, if applicable, shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 403 herein, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Building Inspector, without prior notice. The Building Inspector shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 405 herein, before any building lateral is connected thereto. The Building Inspector shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Town until such construction inspections have been made. NYCDEP, as the permit holder, has the authority to approve new Sewer Extensions based on the flow capacity of the POTW. The Building Inspector has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Building Inspector shall report all findings of inspections and tests to the Town Board and NYCDEP.

Section 4.03 B - Plans, Specification, and Pipe Test Results Required

Plans, specifications, and methods of installation shall conform to the requirements of this Article. All design calculations shall be designed by a licensed engineer. Components and materials of wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 401, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Section 406. When requested, the applicant shall submit to the Building Inspector, NYCDEP, and to the other regulatory agencies, as applicable, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished upon request.

Section 4.04 A - Sewer Pipe

(1) Sewer pipe material shall be:

(a) Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.)

Portland cement shall conform to ASTM C-150 Type II. The pipe and specials shall conform to ASTM Specification C-76. The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate. Entrained air shall be 5.0% to 9.0% by ASTM C-890 Water absorption and three-edge bearing tests shall conform to ASTM Specification C-497. Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C-302.

(b) Cast Iron Pipe - Extra Heavy

Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A-74 or ANSI A-21.11. Gaskets shall conform to ASTM Specification C-564.

(c) Polyvinyl Chloride (PVC) Pipe - Heavy Wall

Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D-1784 Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%).

| | | |
|-----------|--------------|-------------|
| ANSI/ASTM | D3034 | (4" - 15") |
| | F 679 TYPE I | (18" - 27") |

(d) Ductile Iron Pipe

Pipe, fittings, and specials shall be manufactured in accordance with ASTM Specification A-746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A-21.11 and have a minimum pressure class rating of 150 PSI. All pipe and fittings shall be cement mortar lined in accordance with ANSI Specification A-21.4 at twice the specified thickness, and have an internal and external bituminous seal coating. Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

(e) Vitrified Clay Pipe - Extra strength

(Note that standard strength vitrified clay pipe shall not be used.)

Pipe shall conform to the current requirements of NCPI Specification ER 3300-67 and meet the requirements of ASTM Specification C 700.

(f) Acrylonitrile-Butadiene-Styrene (ABS) Pipe

Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

(g) Other pipe materials

Other pipe materials require prior written approval of the Building Inspector before being installed.

(2) The minimum internal pipe diameter shall be eight (8) inches for gravity sewers and three (3) inches for low pressure sewers unless otherwise approved by the Building Inspector after consultation with NYCDEP.

(3) Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-

on" type are used.

(4) 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 405 are met.

(5) Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.

(6) Wye branch fittings, as approved by the Building Inspector, shall be installed, for connection of street laterals, in accordance with Section 506.

Section 4.04 B - Safety and Load Factors

Selection of pipe class shall be predicated on the following criteria:

| | | |
|----------------|---|-----------------|
| Safety factor | - | 1.5 |
| Load factor | - | 1.7 |
| Weight of soil | - | 120 lbs/cu. ft. |
| Wheel loading | - | 16,000 lbs. |

Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, "Design and Construction of Sanitary and Storm Sewers", and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

PVC pipe shall not be encased in concrete due to their different coefficients of linear thermal expansion.

Section 4.04 C - Sewer Pipe Installation

(1) Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

(2) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow,

and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

(3) The public shall be protected from personal and property damage as a result of the construction work.

(4) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least ½ of a street (of at least ten (10) foot width) shall be kept open for traffic flow.

(5) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.

(6) The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and

appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods as approved by the Building Inspector, before trench excavation is initiated.

(7) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

(8) Open trenches shall be protected at all hours of the day with barricades, as required.

(9) Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Building Inspector. When work is not in progress, including over night, weekends, and holidays, the trench shall be backfilled to ground surface.

(10) The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.

(11) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.

(12) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.

(13) No structure shall be undercut unless specifically approved by the Building Inspector.

(14) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.

(15) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown nor no higher than one foot below final grade, and left in the trench, during backfill operations.

(16) The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run max. 1/2 inch stone free of organic material. This foundation shall be firmly tamped in the excavation.

(17) Bell holes shall be hand excavated, as appropriate.

(18) Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.

(19) The joints shall be made, and the grade and alignment checked and made correct.

(20) The pipe shall be in straight alignment.

(21) When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

(22) Crushed stone shall be placed over the laid pipe to a depth of at least six (6) inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D2321 using class 1A or 1B backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that

the pipe is not moved during placement of the crushed stone.

(23) The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.

(24) The remaining portion of the trench above the pipe embedment shall be backfilled in 12 inch lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95 % of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or frozen material shall not be used for backfill.

Note that if a sewer pipe installation project triggers any of the thresholds in the NYC Rules and Regulations, 10 NYCRR §128-3.9(b)(3), 15 RCNY §18-39(b)(3), the project may require NYCDEP review and approval of a Stormwater Pollution Prevention Plan (SPPP).

Section 4.04 D - Cleanout Installation

(1) Cleanouts for low pressure sewers shall be placed at intervals of approximately 400 to 500 feet, at major changes of direction, where one collection main joins another main and at the upstream end of each main branch.

(2) The design of the cleanouts shall be as approved by the Building Inspector and NYCDEP.

Section 4.05 - Manhole Installation

(1) Design of all manholes shall be submitted to the Building Inspector and to NYCDEP and shall receive approval prior to placement.

(2) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet except as authorized by the Building Inspector and NYCDEP.

(3) Manhole bases shall be constructed or placed on a minimum of six (6) inches of crusher run max. ½ inch stone free of organic materials.

(4) Manhole bases shall be constructed of 4,000 psi (28 day) concrete 8 inches thick, or shall be precast bases properly bedded in the excavation. Field constructed bases shall be monolithic, properly reinforced, and extend at least 6 inches beyond the outside walls of lower manhole sections. Precast manhole bases shall extend at least 6 inches beyond the outside walls of lower manhole sections.

(5) Manholes shall be constructed using precast minimum 4 foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478, with the following exceptions on wall thickness:

| Manhole Diameter | Wall Thickness |
|------------------|----------------|
| Feet | Inches |
| 4 | 5 |
| 5 | 6 |
| 6 | 7 |
| 6-1/2 | 7-1/2 |
| 7 | 8 |
| 8 | 9 |

All sections shall be cast solid, without lifting holes.

Flat top slabs shall be a minimum of 8 inches thick and shall be capable of supporting a H-20 loading.

(6) All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same

specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.

(7) All joints shall be sealed against infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.

(8) No holes shall be cut into the manhole sections closer than 6 inches from joint surfaces.

(9) Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.

(10) The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade.

(11) When located in a traveled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be 36 inches, minimum, in diameter. The minimum combined weight of the heavy duty frame and 36 inch cover shall be 735 +/- 5% lbs. The minimum combined weight of the light duty frame and 36 inch cover shall be 420 +/- 5% lbs. The mating surfaces shall be machined, and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented.

(12) A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on all junction manholes and on manholes with bends greater than 45 degrees.

(13) Inverts and shelves/benches shall be placed after testing the manholes and sewers.

(14) Benches shall be level and slope to the flow channel at about 1 inch per foot.

(15) The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.

(16) Manhole frames, installed at grade, shall be set in a full bed of mortar with no less than two nor more than four courses of brick underneath to allow for later elevation adjustment. In lieu of brick, grade rings may be used for elevation adjustment. Grade rings shall not exceed 6 inches in depth. The total number of grade rings shall not exceed 12 inches in height, however, in no event shall more than 3 grade rings be used.

(17) Manholes which extend above grade, shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six ½ inch corrosion resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.

(18) Internal drop pipes and fittings shall be PVC plastic sewer pipe in compliance with ASTM D2241. Corrosion resistant anchors shall be used to attach the drop pipe to the inside surface of the manhole barrel.

Section 4.06 A - Infiltration/Exfiltration Testing

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by NYCDEP in consultation with the

Town. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of NYCDEP, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed ten (10) feet or fill to within six (6) inches of the top of the downstream manhole. Should this condition prevail, the testing methods in Sections 405 F and/or 405 G shall be utilized. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

Section 4.06 B - Test Section

The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of 48-inch diameter pipe, 5 feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per 24 hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made, and the section retested.

Section 4.06 C - Test Period

The test period, during which the test measurements are taken, shall not be less than two (2) hours.

Section 4.06 D - Pipe Lamping

Prior to testing, the section shall be lamped. Any length of pipe out of straight alignment shall be realigned.

Section 4.06 E - Deflection Testing

Also prior to testing, all plastic pipe, in the test section, shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95 percent of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than 5 percent shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device.

Section 4.06 F - Low Pressure Air Testing Alternative

In lieu of hydrostatic testing (exfiltration or infiltration), low pressure air testing may be employed. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately 4.0 PSIG. The air pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSIG to 2.5 PSIG.

Acceptance is based on limits tabulated in the "Specification Time Required for a 1.0 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe".

Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

If the test section is below groundwater, the test pressure shall be increased by an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 PSI, or a lower

pressure as required by NYCDEP.

The pressure test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to NYCDEP prior to testing.

Section 4.06 G - Vacuum Testing Alternative

In lieu of hydrostatic testing (exfiltration or infiltration), vacuum testing may be employed for testing of sewer lines and manholes. Sewer lines and manholes shall be tested separately. All sewer lines to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The vacuum test shall be based on the time, measured in seconds, for the vacuum to decrease from 10 inches of mercury to 9 inches of mercury for manholes, and from 7 inches of mercury to 6 inches of mercury for sewers.

Acceptance of manholes is based on the following:

| Manhole Depth | Manhole Diameter | Time to Drop 1" Hg (10" to 9") |
|----------------|------------------|--------------------------------|
| 10 ft or less | 4 ft | 120 seconds |
| 10 ft to 15 ft | 4 ft | 150 seconds |
| 15 ft to 25 ft | 4 ft | 180 seconds |

For 5 ft diameter manholes, add 30 seconds to the times above.

For 6 ft diameter manholes, add 60 seconds to the times above.

If the test on the manhole fails (the time is less than that tabulated above), necessary repairs shall be made and the vacuum test repeated, until the manhole passes the test.

Acceptance of sewers (7" Hg to 6" Hg) is based on the time tabulated in the "Specification Time Required for a 0.5 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe".

The vacuum test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to NYCDEP prior to testing.

Section 4.07A - Force Mains

Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 401. Additional design requirements are:

- (1) Force main pipe material shall be:
 - (a) Ductile Iron Pipe shall conform to ANSI A21.51. The minimum wall thickness shall be Class 52 (ANSI A21.50). The pipe shall be clearly marked with either "D" or "DUCTILE". Fittings shall conform to ANSI A21.10. Pipe and fittings shall be furnished with push-on joints conforming to ANSI A21.11. Pipe and fittings shall be cement mortar lined and have an internal and external bituminous seal coating.
 - (b) Polyvinyl Chloride (PVC) Plastic Pipe shall conform to ASTM D2241. Materials used in the manufacture of PVC pipe shall meet ASTM c1784. The minimum wall thickness shall be SDR-21. Fittings shall conform to ASTM D2241. Joints and gaskets shall conform to ASTM D2241, D1869,

and F477.

- (c) Other pipe materials require prior written approval of NYCDEP before being installed.
- (2) Trenching, bedding, and backfilling shall be in accordance with Section 403 C.
- (3) Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.
- (4) Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7-1/2 degrees or greater.
- (5) Drain valves shall be placed at low points.
- (6) Automatic air relief valves shall be placed at high points and at 400 ft intervals, on level force main runs.
- (7) Air relief and drain valves shall be suitably protected from freezing.
- (8) When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.
- (9) The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T". The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least 4 feet long; the lower arm shall terminate in a PVC plastic sewer pipe 90 degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion resistant anchors.

Section 4.07B - Force Main Testing

All force mains shall be subjected to hydrostatic pressure of 150 percent of the normal operating pressure. The duration of the test, at pressure, shall be at least 2 hours. Before conducting the test, the pipe shall be filled with water and all air shall be expelled. During the test, water shall be added, as needed, to maintain the test pressure. The amount of water added shall be recorded so as to calculate leakage. Leakage shall not exceed 25 gallons per day per mile per inch nominal pipe diameter. During the test, the owner and the Building Inspector shall walk the route of the force main and examine the exposed pipe and the ground covering any backfilled pipe to discover leaks. Leakage in excess of that specified above shall be corrected with new material at the owner's expense and the test repeated. Any observed leaks shall be repaired at the owner's expense. Each test section length shall be as approved by NYCDEP, but in general, should not be longer than one thousand (1,000) feet.

Section 4.08 - Final Acceptance and Warranty/Surety

All sanitary sewers and extensions to sanitary sewers (within a proposed subdivision) constructed at the applicant's expense, after final approval and acceptance by the Building Inspector, and concurrence by the Town Board shall become the property of the Town, and shall thereafter be operated and maintained by the Town. No sanitary sewer shall be accepted by the Town until four (4) copies of as-built drawings have been so filed with the Building Inspector and the Building Inspector has approved the submitted drawings. It is understood that the Town shall have no obligation to accept ownership and maintenance of the new main unless otherwise required by an existing agreement or applicable law. Said sewers, after their acceptance by the Town shall be guaranteed against defects in materials or workmanship for one (1) year, by the applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Town Board, secured by a surety bond or such other security as the Town Board may approve, except that no surety bond or other security shall be required from any municipal applicant.

Upon the conveyance of a new sewer main to the Town, constructed by the private sector in accordance with the provisions in this Article, the Town may request, subject to approval by NYCDEP, that the sewer main be allowed to become New York City-owned property, which the City will thereafter maintain. It is understood that NYCDEP shall have no obligation to accept ownership and maintenance of the new main unless otherwise required by an existing agreement or applicable law.

Any sewer mains constructed or funded by NYCDEP shall remain property of the City of New York unless the City, by written agreement, dedicates such sewer mains to the Town.

Section 4.09 - Liability Insurance Coverage During Construction Period

(1) Any contractor engaged in connecting house laterals with sanitary sewers, who performs any work within the Right of Way of any highway, shall file a bond in the amount of Five Thousand Dollars (\$5,000.00) with the Town Clerk to indemnify the Town against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of such contractor, or any of his, or its agents arising or resulting directly or indirectly by reason of such work, or of any act, construction or excavation done, made or permitted under authority of any permit or consent for such work. All bonds shall contain a clause that permits given by the Town Board may be revoked at any time for just cause.

(2) Before commencing work, the above contractor shall file insurance certificates with the Town Clerk for the following:

(a) Workman's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor;

(b) Personal Injury Liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);

(c) Property Damage Liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

- I - Premises and Operations;
- ii - Independent Contractors;
- iii - Completed operations and products;
- iv - Property Damage; and
- v - Explosions, collapse and underground;

(d) Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

- I - Bodily injury - each person \$300,000; each occurrence \$500,000
- ii - Property damage - each occurrence \$500,000

(e) Business Excess Liability Insurance in the amount of \$2,000,000.

(f) All insurance policies must provide for advance notice to the Building Inspector before cancellation and must cover all liabilities of the Town and be in a form approved by the Town Board.

(g) The minimum insurance limits stated above shall be subject to periodic review by the Town Board and adjustments made, by resolution, as appropriate.

(3) Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the Town Building Inspector, if a Town street is involved, from

the County Department of Public Works if a County Highway is involved, and/or the New York State Department of Transportation if a State Highway is involved.

(4) The minimum insurance limits above shall be as established by the Town Board and shall be subject to periodic review and adjustment, as appropriate, by the Town Board.

Article 5

BUILDING LATERALS, STREET LATERALS and CONNECTIONS

Section 5.01 A - Permit Required for Lateral Connections

No person shall uncover, make any connection with or opening into, alter, or disturb any public sewer or appurtenance thereof associated with the POTW without first obtaining a lateral permit from NYCDEP.

Connections to existing manholes along the Margaretville WWTP's sewer mains owned by the City must be approved by NYCDEP subject to the standards set forth in this law.

Prior to issuing any lateral permit for new lateral connections to the POTW, the Town will forward the connection request and lateral design plan to NYCDEP for review and approval. NYCDEP will review the connection request and lateral design plan in light of the requirements of this Law and will send the results of its review, in writing, to the Town within sixty (60) days from receipt from the Town of a request for connection. No permit for a new connection within the Margaretville Sewer Service Area will be issued by the Town without the concurrence of NYCDEP. NYCDEP may request in writing that the Town grant a thirty (30) day extension of the comment period provided there is sufficient cause for the time extension. NYCDEP's failure to comment during the comment period will be deemed to be a consent to the connection.

Section 5.01 B - Wastewater Discharges Allowed

Only the following types of waste are allowed to be discharged into the POTW:

- (i) Domestic Sewage, and
- (ii) industrial discharges approved pursuant to Section 801A.

Section 5.02 - Lateral Permits

There shall be two classes of lateral permits:

- (1) For residential, commercial, and institutional service,
- (2) For service to establishments producing industrial wastes.

Section 5.03 A - New Building Laterals

Unless otherwise approved by the Town Board in consultation with NYCDEP, a separate and independent building lateral shall be provided for every building requiring sanitary facilities.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Building Inspector and NYCDEP have approved plans showing the relocation. If relocation is not physically possible then the lateral shall

be:

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Building Inspector and NYCDEP. No new manholes shall be constructed on the portion of the lateral under the building.

Section 5.03 B - Dry Sewers

Dry Sewers shall be designed and installed in accordance to this Law.

Section 5.04 - Using Existing Building Laterals

Existing building laterals may be used in connection with new buildings only when they are found to meet all requirements of this Law. Within the Margaretville Sewer Service Area, NYCDEP shall approve the reuse of any existing laterals.

Section 5.05 - Lateral Pipe Materials

Building and street lateral pipe materials shall be one of the following:

(1) Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings". All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end", if gasket joints are used.

(2) Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings". All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

Unless otherwise approved by the Town Board in consultation with NYCDEP, any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by NYCDEP where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by NYCDEP. The distance between consecutive joints, as measured along the centerline of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by NYCDEP. The size and slope of building and street laterals shall be subject to approval by NYCDEP, but in general, the internal pipe diameter should be no less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot.

Section 5.06 A - Street Lateral to Sewer Connection

At the point of connection of a street lateral to a sewer main, a standard wye fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.

Section 5.06 B - Future Connection Locations; As-Built Drawings

The street lateral, including the wye and eighth bend fittings, shall be connected to the sewer main, for each proposed lot, as necessary, upon approval of the proposed development. Laterals installed for future development shall be fitted a standard plug approved for use (i) within the Margaretville Sewer Service Area, by NYCDEP. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Building Inspector who shall forward them to the NYCDEP. No lateral shall be accepted within the Margaretville Sewer Service Area until the NYCDEP approves the submitted drawings.

Section 5.06 C - Special Manhole Requirements

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or which, in the opinion of NYCDEP, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral may be connected to the public sewer through a manhole. NYCDEP shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by NYCDEP. If required, a new manhole shall be installed in the public sewer pursuant to Sections 404 and 807 and the lateral connection made thereto as directed by NYCDEP.

Section 5.07 - Laterals At and Near Buildings

Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor. In no event shall any building lateral be placed below the basement floor, or lower than twelve inches above the basement floor, except with the expressed written approval of the NYCDEP.

The building lateral 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. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 5.08 - Sewage Lifting

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the NYCDEP consistent with good engineering judgment.

Section 5.09 - Lateral Pipe Installation

All excavations required for the installation of a building or street lateral within the Margaretville Sewer Service Area shall be open trench work unless otherwise approved by the NYCDEP. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM

Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but no in any case shall such depth be less than four (4) feet. Where it is physically impossible to provide cover of four (4) feet, the depth may be reduced to a minimum of two (2) feet and the pipe shall be insulated as approved by the NYCDEP.

Section 5.10 A - Watertight Joints

All joints and connections shall be made watertight.

Section 5.10 B - Ductile Iron Mechanical Joints

Mechanical joints made of ductile iron pipe, or an equivalent type of material, shall be used where separation distance to a water main or water service is at issue, or where existing soil conditions warrant. The joint shall be assembled following the manufacture's recommendations using acceptable lubricant and any special pipe coupling tools designed for that purpose. The plain spigot end or cut end shall be inserted full depth into the coupling with the gasket pushed into the collar joint between pipe and coupling and the retainer gland securing the gasket in place. The lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically effect the gasket material.

Section 5.10 C - Cast Iron Push Joints

Pre-molded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings within the Margaretville Sewer Service Area, if approved by the NYCDEP. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be pre-molded, one-piece unit, designed for joining the cast iron hub 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 end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material, and shall not chemically attack the gasket material.

Section 5.10 D - PVC Push Joints

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 505.

Section 5.11 A - Building Lateral/Street Lateral Connection

(1) Unless otherwise provided for in the Agreement Among the City of New York, the Village of Margaretville and the Town of Middletown for Sewer Extensions to the Margaretville Wastewater Treatment Plant, fully executed on 9/21/05, (the "Agreement"), NYCDEP or unless otherwise authorized by the Town Board, the property owner shall pay for the cost of constructing the lateral from the sewer system up to and including the house connection and shall be responsible for the maintenance and repair thereof (unless such responsibility is accepted by the Town).

(2) In instances where there will be building laterals connecting to street laterals, such connections shall be made at the property line. If a street lateral has not previously been provided, the street lateral will be constructed from the existing sewer to the property line, by a licensed plumber, at the property owner's expense or at the discretion of the Town, at the Town's expense. The street lateral shall be installed with a

properly sealed and covered clean-out to grade located at the property line. (Since NYCDEP does not distinguish between building laterals and street laterals, cleanouts at property lines are neither required nor encouraged.)

(3) The property owner shall indemnify the Town and/or NYCDEP, as appropriate, from any loss or damage that may directly or indirectly be occasioned by the installation of the building and street laterals, and any associated connections and appurtenances.

Section 5.11 B - Cleanout Repair/Replacement

If, in the judgment of NYCDEP or the Building Inspector, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Town may install a clean-out at the property line, at the property owner's expense, unless otherwise provided in the Agreement, such that the street lateral can be maintained independently of the building lateral.

Section 5.11 C - Maintenance, Repair and Replacement of Laterals

Maintenance of laterals is the responsibility of property owners unless otherwise provided for in the Agreement. If the Building Inspector finds that the street lateral is in need of replacement (or repair), it shall be replaced with a new street lateral with a property line clean-out. The replacement or repair of a street lateral shall be done by a licensed plumber and the cost of constructing or repairing the lateral shall be at the property owner's or Town's expense.

Section 5.12 - Testing

Laterals shall be tested for infiltration/exfiltration by:

- (1) any full pipe method described in Section 405, or
- (2) by a suitable joint method, with the prior written approval of NYCDEP.

Section 5.13 A - Connection Inspection

Before a lateral connection is to be made to a sewer main the applicant shall notify the Building Inspector and NYCDEP when the lateral is ready for inspection approval.

Section 5.13 B - Trench Inspections

When trenches are excavated for the laying of lateral pipes to the POTW, such trenches shall be inspected by NYCDEP. Before the trenches are backfilled, the person performing such work shall notify NYCDEP and the Building Inspector when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from NYCDEP.

Section 5.14 - Public Safety Provisions Required; Restoration of Disturbed Areas

All excavations for constructing building laterals shall be adequately protected 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 Building Inspector. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Town and/or County Department of Public Works (DPW), or NYS Department of Transportation (DOT) if applicable, shall complete road and shoulder restoration to the applicable standards.

Section 5.15 - Interior Clean-Out

An interior clean-out fitting shall be provided for each lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the lateral.

The cleanout diameter shall be no less than the lateral's diameter.

Section 5.16 - Costs Borne by Owner

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

The Town may charge the property owner its cost for professional engineering services and assistance should it be deemed necessary to retain said services in connection with the review of plans or the inspection of construction.

Section 5.17 - Capping Connections Where Structures Are Demolished Or Destroyed

It shall be the responsibility of the property owner to cap the service connection of any structure either demolished or destroyed by fire or "act of God" unless the landowner can verify that he/she has plans to construct another structure with plumbing within six (6) months of the demolition. Such capping must be completed within 60 days of the demolition of any structure. The capping should be done as close to the sewer main as possible, preferably within 20 ft. Notice of intent to cap a service connection shall be provided by the property owner (or its representative) to the Building Inspector and NYCDEP at least five (5) business days prior to its commencement and shall be subject to inspection by the Building Inspector and NYCDEP. Costs for capping shall be borne by the property owner unless specified otherwise in any other agreement(s) between the Town and NYCDEP. Failure to comply with this requirement shall constitute a violation of this Law and shall be subject to appropriate enforcement actions pursuant to Section 9 of this Law.

ARTICLE 6

INFLOW

Section 6.01 - New Inflow Sources Prohibited

No connections shall be made to a sewer main or lateral which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, swimming pool drains, uncontaminated cooling water discharges, or other sources of inflow. Inflow connections existing at the effective date of this statute will be required to disconnect in accordance with a schedule developed by the Town Board and the NYCDEP.

Section 6.02 - Existing Inflow Sources Disconnected

Any connections which contribute inflow to the Margaretville WWTP's Sewer System must be disconnected by the property owner in a fashion approved by the Building Inspector in accordance with the schedule contained in the notification from the Building Inspector that disconnection is required.

Section 6.03 - Existing Inflow Sources Disconnected When Property Sold

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

Section 6.04 - No Reconnection of Inflow Source Allowed

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

ARTICLE 7

DISCHARGE RESTRICTIONS

Section 7.01 - Pretreatment Standards

All Users of the POTW shall comply with all standards and requirements of the Clean Water Act ("the Act") and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 403 - 471.

Section 7.02 - General Prohibitions

No User shall contribute or cause to contribute, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of the sewer system whether or not the User is subject to National Categorical Pretreatment Standards, or any other National, State, or local pretreatment standards or requirements.

POTW: Without limiting the generality of the foregoing, a User may not contribute the following substances to the

- (1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the NYCDEP, the State or the EPA has determined to be a fire hazard, or hazard to the treatment plant or sewer system.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.
 - (3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the WWTP was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or to the treatment plant's personnel.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant, or to exceed the limitation set forth in a Categorical Pretreatment Standard.
- A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.
- (5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
 - (6) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.
 - (7) Any wastewater which will cause interference or pass through.
 - (8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
 - (9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the treatment plant's influent temperature to be greater than 40 degrees C (104 degrees F). NYCDEP and the Building Inspector reserve the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.

(10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.

(11) Any wastewater containing any radioactive wastes except as approved by the NYCDEP and in compliance with applicable State, Federal and New York City regulations.

(12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes when in the treatment plant or in the sewer collection system.

(13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.

(14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the treatment plant in a quantity that may cause acute worker health and safety problems.

Section 7.03 - Concentration Based Limitations

No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in Section 704. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the sewer collection system ("end of pipe" concentrations).

Effluent Concentration Limits-mg/l

| SUBSTANCE (1) | Allowable Average Daily (2) | Allowable Maximum Instantaneous (3) |
|--------------------------|--|--|
| Antimony | 0.093 | 0.093 |
| Arsenic | 0.007 | 0.007 |
| Barium | 75.291 | 75.291 |
| Beryllium | 0.100 | 0.100 |
| Cadmium | 1.743 | 1.743 |
| Chlorides | 154.529 | 154.529 |
| Chromium | 0.034 | 0.034 |
| Chromium Hex | 0.006 | 0.006 |
| Cobalt | 0.222 | 0.222 |
| Copper | 0.109 | 0.109 |
| Cyanide (complex) | 0.396 | 0.396 |
| Cyanide (free) | 0.396 | 0.396 |
| Fluorides | 80.324 | 80.324 |
| Gold | NONE | NONE |
| Iodide | 10.000 | 10.000 |
| Iron | 0.989 | 0.989 |
| Lead | 0.116 | 0.116 |
| Manganese | 12.526 | 12.526 |

| | | |
|-----------------|--------|--------|
| Mercury | 0.035 | 0.035 |
| Molybdenum | 0.100 | 0.100 |
| Nickel | 0.076 | 0.152 |
| Phenols (total) | 0.276 | 0.276 |
| Selenium | 0.007 | 0.014 |
| Silver | 0.213 | 0.213 |
| Sulfates | NONE | NONE |
| Sulphides | 25.000 | 25.000 |
| Tin | NONE | NONE |
| Titanium | NONE | NONE |
| Vanadium | 0.698 | 0.698 |
| Zinc | 0.212 | 0.212 |

(1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

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

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

(4) Other substances which may be limited are:

alkanes, alkenes and alkynes;
aliphatic and aromatic alcohols and acids;
aliphatic and aromatic aldehydes and ketones;
aliphatic and aromatic esters;
aliphatic and aromatic halogenated compounds;
aliphatic and aromatic nitro, cyano and amino compounds;
antibiotics;
benzene derivatives;

chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds;

pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides, phthalates;
polyaromatic and polynuclear hydrocarbons;
total toxic organics, TTO, as defined in 40 CFR 433.11;
toxic organic compounds regulated by Federal Pretreatment Standards;
unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group; and/or
viable pathogenic organisms from industrial processes or hospital procedures.

Section 7.04 - Mass Discharge Based Limitations

In order to minimize the potential for an exceedance of the SPDES permit, the influent to the POTW shall not contain quantities of substances in excess of those specified below:

| SUBSTANCE | Limit (LBS/DAY) |
|---------------------|------------------------|
| Antimony | 0.310 |
| Arsenic | 0.023 |
| Barium | 251.170 |
| Beryllium | 2.760 |
| Cadmium | 5.813 |
| Chlorides | 515.510 |
| Chromium Hexavalent | 0.113 |
| Chromium | 0.020 |
| Cobalt | 0.740 |
| Copper | 0.364 |
| Cyanide (complex) | 1.320 |
| Cyanide (free) | 1.320 |
| Flourides | 267.960 |
| Gold | NONE |
| Iron | 3.299 |
| Lead | 0.387 |
| Manganese | 41.786 |
| Mercury | 0.118 |
| Nickel | 0.253 |
| Phenols (total) | 0.920 |
| Seleniuim | 0.023 |
| Silver | 0.710 |
| Tin | NONE |
| Titanium | NONE |
| Vanadium | 2.330 |
| Zinc | 0.707 |

NYCDEP shall determine the total allowable influent load of each substance from significant industrial users. In determining the total load of each substance that significant industrial users shall be allowed to discharge, NYCDEP shall consider: (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater, (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable, (3) historical discharge trends, (4) past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance, (5) potential for growth in the sewer system's service area, (6) potential for more restrictive regulatory requirements to be placed on the treatment plant's discharge or sludge disposal or sludge reuse method, and (7) treatability of the substance.

To assure that the total loads so calculated, for each substance, are not violated, NYCDEP, as agent for the Town, shall issue permits to significant industrial users limiting discharge loads.

Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under section 7.03.

Section 7.05 - Modification of Limitations

Limitations on wastewater strength or mass discharge contained in Section 704 may be supplemented with more stringent limitations when, in the opinion of the NYCDEP:

- (1) The limitations in this Law are not sufficient to protect the Margaretville WWTP,*
- (2) The limitations in this Law are not sufficient to enable the treatment plant to comply with applicable effluent limitations specified in the treatment plant's SPDES permit,*
- (3) Margaretville WWTP's sludge will be rendered unacceptable for disposal as a result of discharge of wastewaters at or above the prescribed concentration limitations,*
- (4) Municipal employees or the public will be endangered, or*
- (5) Groundwater pollution will be caused.*

The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. This Law shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations based directly on any limitations which were changed, shall be revised and amended, as appropriate.

Section 7.06 - Access to User's Records

NYCDEP and the Town shall have the authority to copy any record related to User's wastewater discharges to the POTW.

Section 7.07 - Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard, no User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

Dilution flow shall be considered to be inflow.

Section 7.08 - Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the NYCDEP they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by NYCDEP and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

Section 7.09 - Solid Waste Grinders

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the treatment plant.

Section 7.10 - Rejection of Wastewater

NYCDEP may reject a User's wastewater when it has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the WWTP and its processes, or on the receiving water.

ARTICLE 8

WASTEWATER DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS

Section 8.01 A - Industrial Discharge Permits For New Discharges

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the NYCDEP.

All Significant Industrial Users proposing to connect or discharge to the sewer collection system shall obtain a Wastewater Discharge Permit before connecting or discharging to the sewer system. NYCDEP, in consultation with the Town Board, may also issue Wastewater Discharge Permits to Industrial Users of the sewer collection system if the discharges from such Users are proved to pose significant water quality problems to the City's water supply.

Section 8.01 B - Industrial Discharge Permits for Existing Discharges

Existing Significant Industrial Users and Industrial Users, determined to need a Wastewater Discharge Permit, pursuant to Section 801A, shall make application for a Wastewater Discharge Permit within 60 days after the effective date of this Law. Such Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

Section 8.02 A - Application for Wastewater Discharge Permits

Applications for Wastewater Discharge Permits for Significant Industrial Users and Industrial Users as determined necessary pursuant to Section 8.01A shall be submitted to the Building Inspector who shall forward them to NYCDEP for review and approval. No application fees are required for discharges to the POTW. In support of any application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address of the property for which a Wastewater Discharge Permit is sought).
- (2) SIC code of both the industry and any categorical processes.
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article 7 of this Law and which are limited in the appropriate Categorical Standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.
- (4) Time and duration of the discharge.

- (5) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the sewer system.
- (8) Each product produced by type, amount, process or processes, and rate of production.
- (9) Type and amount of raw materials processed (average and maximum per day).
- (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (11) The nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal standards, and a statement whether or not the standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet all applicable Standards.
- (12) If additional pretreatment and/or O&M will be required to meet the Standards, then the industrial User shall provide the a schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
 - (b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months unless otherwise approved by the NYCDEP.
 - (c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the NYCDEP and the Building Inspector including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return to the established schedule. In no event shall more than 9 months elapse for the User to provide NYCDEP and the Building Inspector with such progress reports.
- (13) Any other information as deemed necessary by the NYCDEP to evaluate the permit application.

NYCDEP will evaluate the data furnished by the Significant Industrial User and the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the NYCDEP may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

Section 8.02 B - Permit Modifications

Wastewater Discharge Permits may be modified by the NYCDEP upon 30 days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable National Categorical Pretreatment Standard,*
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,*
- (3) Changes in general discharge prohibitions and local limits as per Section 703 of this law,*
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,*
- (5) Changes in design or capability of any part of the POTW,*
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and*
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.*

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 802 A (12)(a).

Section 8.02 C - Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations. Permits may contain the following:

- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.*
- (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.*
- (3) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.*
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.*
- (5) Compliance schedules.*
- (6) Requirements for submission of technical reports or discharge reports.*
- (7) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in the permit and affording the access thereto.*
- (8) Requirements for notification to NYCDEP and the Building Inspector of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system.*
- (9) Requirements for notification to the NYCDEP and the Building Inspector of any change in the manufacturing and/or pretreatment process used by the permittee.*

(10) Requirements for notification of excessive, accidental, or slug discharges.

(11) Other conditions as deemed appropriate by the NYCDEP, in consultation with the Building Inspector, to ensure compliance with this Law, State and Federal laws, rules, and regulations, and for discharges to sewers and WWTPs in the watershed, and the NYC Watershed Rules and Regulations.

Section 8.02 D - Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

Section 8.02 E - Permit Reissuance

The User shall apply for a Wastewater Discharge Permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. Applications for a Wastewater Discharge Permit reissuance shall be submitted to the Building Inspector who shall forward them to NYCDEP for review and approval. The terms and conditions of the permit may be subject to modification by the NYCDEP during the term of the permit, as limitations or requirements, as identified in Section 802B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 802 A (12)(a). The User may request a hearing on the proposed modification in accordance with Section 907.

Section 8.02 F - Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. Applications for a Wastewater Discharge Permit Transfer shall be submitted to the Building Inspector who shall forward them to NYCDEP for review and approval. A Wastewater Discharge Permit shall not be reassigned or transferred to a new owner, new User, different premises, or a new or changed operation without the approval of the NYCDEP. Such approval shall not be unreasonably withheld, delayed or conditioned. Such approval shall be deemed to have been issued if it is not disapproved in accordance with this section within 30 days of NYCDEP receipt of the request for a change.

Section 8.02 G - Permit Revocation

Wastewater Discharge Permits may be revoked in accordance with the procedures set forth in Article 9 hereof for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the NYCDEP and/or Building Inspector timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules. In any such proceedings, the NYCDEP shall be substituted for and have the authority of the Building Inspector.

Section 8.03 - Reporting Requirements for Permittee

The reports or documents required to be submitted or maintained under this section for Users subject to the pretreatment requirements shall be subject to:

- (1) The provisions of 18 USC Section 1001 relating to fraud and false statements;
- (2) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

- (3) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers and the following:

(a) Baseline Monitoring Report

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit to the NYCDEP and the Building Inspector information required by paragraphs (8) and (9) of Section 802 A of this law.

(b) 90-Day Compliance Report

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 NYCDEP and the Building Inspector a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(c) Periodic Compliance Reports

i. 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 NYCDEP and the Building Inspector during the months of June and December, unless required more frequently in the Pretreatment Standard, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 802 A. Upon consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the NYCDEP and the Building Inspector may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.

ii. NYCDEP, in consultation with and the Building Inspector 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 803 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and its nature and concentration, or production and mass, where requested by the NYCDEP of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(d) Violation Report

If sampling, performed by the User, indicates a violation of this Law and/or the User's discharge

permit, the User and/or the Town shall notify the NYCDEP within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the NYCDEP and the Building Inspector within 30 days after becoming aware of the violation. The User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(e) Other reports

The NYCDEP, in consultation with the Building Inspector may impose reporting requirements equivalent to the requirements imposed by Section 803(3) for Users not subject to pretreatment standards.

Section 8.04 - Industrial Wastewater Discharge Reports

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

Section 8.05 - Notification to Significant Industrial Users and Industrial Users

NYCDEP shall, from time to time, notify each Significant Industrial User and Industrial User of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

Section 8.06 - Flow Equalization

No person shall cause the discharge of Slugs to the POTW. Each industrial facility discharging, into the Sewage Collection System greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the Margaretville WWTP, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the NYCDEP. A Wastewater Discharge Permit may be issued solely for flow equalization by NYCDEP.

Section 8.07 - Monitoring Stations (Control Manholes)

(1) All Significant Industrial Users, and Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through, shall install and maintain a suitable monitoring station on their premises at their expense to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(2) If there is more than one street lateral serving a Significant Industrial User or an Industrial User, the NYCDEP, in consultation with the Building Inspector may require the installation of a control manhole on each lateral.

(3) The NYCDEP, in consultation with the Building Inspector may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Significant Industrial User and Industrial User shall allow immediate access, without prior notice, to the station by the NYCDEP and the Building Inspector.

Section 8.08 - Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the User at his expense. Where a Significant Industrial User or an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the NYCDEP, in consultation with the Building Inspector, may approve or disapprove the adequacy of such facilities. Where the NYCDEP or the Building Inspector disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the NYCDEP and the Building Inspector. Construction of new or upgraded facilities shall not commence until written approval of the NYCDEP, after consultation with the Building Inspector, has been obtained.

Section 8.09 - Vandalism, Tampering with Measuring Devices

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- (1) any structure, appurtenance, or equipment which is a part of the POTW, or
- (2) any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law except as approved by the NYCDEP or the Building Inspector after consultation with the NYCDEP.

Section 8.10 - Sampling and Analysis

Sampling shall be performed by the Significant Industrial User or Industrial User in accordance with this section at their expense, so that a representative portion of the wastewater is obtained for analysis. Sampling results shall be provided to NYCDEP and the Building Inspector within ten (10) days upon receipt by such User.

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 807, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the Sewage Collection System. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where practical) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

Section 8.11 - Accidental Discharges; SPCC Plan

Each Significant Industrial User and Industrial User shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately, but in no case more than 24 hours after a violation, notify the NYCDEP and the Building Inspector of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence

(3) *Other causes.*

Where possible, such immediate notification shall allow the NYCDEP to initiate appropriate countermeasure action at the Margaretville WWTP. The User shall prepare a detailed written statement following any accidental or Slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the NYCDEP and the Building Inspector shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the NYCDEP or the Building Inspector, detailed plans and procedures to prevent accidental or Slug discharges shall be submitted to the NYCDEP for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;*
- (2) Description of stored chemicals;*
- (3) Procedures for immediately notifying the NYCDEP and the Building Inspector of any accidental or Slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard; and*
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.*

Section 8.12 - Posting Notices

In order that the Significant Industrial User's and Industrial User's employees be informed of the notification requirements, such User shall post a notice permanently on appropriate bulletin boards within its facility advising employees of the notification requirements and whom to call in case of an accidental discharge in violation of this Law.

Section 8.13 - Sample Splitting

When so requested in advance by a Significant Industrial User or an Industrial User, and when taking a sample of industrial wastewater, NYCDEP shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the volumes shall be given to such User whose wastewater was sampled, and the other shall be retained by the NYCDEP for its own analysis.

Section 8.14 - Public Access to Information Maintained by NYCDEP

When requested, the NYCDEP shall make available to the public, for inspection and/or copying, information and data on Significant Industrial Users and Industrial Users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless such User specifically requests, and is able to demonstrate to the satisfaction of the NYCDEP that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal laws, rules and regulations. The NYCDEP shall provide written notice to the

Significant Industrial User or Industrial User of any disclosure of confidential information to another governmental agency.

Section 8.15 A - Access to Property and Records

Representatives of the NYCDEP or the Town, bearing proper credentials and identification, shall be permitted to enter upon all Industrial Users' properties at reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain such User's compliance with applicable provisions of Federal and State law governing use of the POTW, and with the provisions of this Law. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the User shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 8.15 B – Inspector's Compliance with Safety Rules

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 8.15 A and 8.15 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. Nothing herein makes the Town or NYCDEP responsible for or liable for the actions of the others employees and agents.

Section 8.16 - Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the NYCDEP and any Significant Industrial User or Industrial User of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and is specially treated. In entering into such a special agreement, the

NYCDEP shall consider whether the wastewater will:

- (1) pass-through or cause interference;
- (2) endanger the public municipal employees;
- (3) cause violation of the SPDES Permit; and
- (4) interfere with any purpose stated in Section 102 herein;

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

No agreement shall be entered into without the User having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. The User shall be in compliance with all conditions in the permit. The NYCDEP, however, holds the right to condition the agreement.

ARTICLE 9

ENFORCEMENT AND PENALTIES

Section 9.01 - Enforcement Response Plan

Within one year after the effective date of this Law, the Building Inspector, in consultation with NYCDEP, shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:

- a) magnitude of the violation;
- b) duration of the violation;
- c) effect of the violation on the receiving water;
- d) effect of the violation on the POTW;
- e) effect of the violation on the health and safety of the POTW employees;
- f) compliance history of the User;
- g) good faith of the User

and shall promote consistent and timely use of enforcement remedies.

The Town Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed by NYCDEP at least every five years. If revisions are warranted, they shall be reviewed and approved by the Town Board, in consultation with NYCDEP. In the event there is a lack of local enforcement, the NYCDEP shall be authorized to act on the Building Inspector's behalf with respect to enforcing specific violations of this Law pursuant to and to the extent authorized under the terms and conditions set forth in the Sewer Extension Program Agreement.

ADMINISTRATIVE REMEDIES

Section 9.02A - Notification of Violation to User

Whenever the Building Inspector, based on his/her own information or information obtained from NYCDEP, finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Building Inspector, subject to his/her reasonable prosecutorial discretion, shall, within 15 calendar days after obtaining such information (or within 24 hours of obtaining knowledge of a violation in the case of an Emergency Violation as defined in Section 915), commence an enforcement action. The service of a Notice of Violation (NOV) shall constitute commencement of an enforcement action upon the User and/or property owner. Within ten (10) calendar days of the date the Building Inspector mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Building Inspector by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation. If the Village or Town does not commence an enforcement action within such period of time, the City may commence an enforcement action under this law.

Section 9.02B - Notification of Violation to NYCDEP

If the Building Inspector commences an enforcement action to correct a violation, he/she shall at the same time notify the City in writing (or, in the case of an Emergency Violation, by telephone notice) that such an enforcement action has been commenced and provide the date of service of the NOV.

Section 9.02C - Notification of Insufficient Enforcement Action

If, after receiving such notice of an enforcement action, the City determines that the measures being required by the Building Inspector are insufficient to correct the violation in a timely manner, the City shall notify the Building

Inspector in writing (or, in the case of an Emergency Violation, by telephone), within three (3) days. If the Building Inspector thereafter fails or refuses to modify its enforcement action within three (3) days so as to accommodate the City's concerns, the Town consents to the City having the right to intervene as a full party in the enforcement action with respect to the abatement measures to correct such violation.

Section 9.03 - Consent Orders

The Building Inspector, based on his/her own information or information obtained from NYCDEP, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such Orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the Order. Consent Orders shall have the same force and effect as an Administrative Order, further described in Section 904.

Section 9.04 - Administrative Orders

When the Building Inspector, based on his/her own information or information obtained from NYCDEP, finds that a User has violated or continues to violate this Law, a Wastewater Discharge Permit, Consent Order as described in Section 903 or a previously issued Administrative Order discussed herein, he/she may issue an Administrative Order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Building Inspector to modify or suspend the Administrative Order. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector shall then:

- (1) Modify or suspend the Administrative Order as requested, or
- (2) Order the User to show cause in accordance with Section 907 and may as part of the show cause notice request the User to supply additional information.

Section 9.05 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

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

- (1) Modify or suspend the fine as requested, or
- (2) Order the User to show cause in accordance with Section 907 and may as part of the show cause notice request the User to supply additional information.

Section 9.06 - Cease and Desist Orders

When the Building Inspector, based on his/her own information or information obtained from NYCDEP, finds that a User has violated or continues to violate this Law, a Wastewater Discharge Permit, Consent Order as described in Section 903 or a previously issued Administrative Order discussed herein, the Building Inspector may issue an Administrative Order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith, or
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within fifteen (15) calendar days of the date the Building Inspector mails notification of such order, petition the Building Inspector to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Building Inspector by registered mail. The Building Inspector may then:

- (1) Modify or suspend the order as requested by the User, or
- (2) Order the User petitioner to show cause in accordance with Section 907 and may as part of the show cause notice request the User to supply additional information.

Section 9.07 - Show Cause Hearing

The Building Inspector may order any User appealing administrative remedies for violations of this Law or a User may, as its appeal, file a show cause petition, before the Town Board, why an enforcement action, initiated by the Building Inspector, should not be taken or should be modified. Said notice of the Order to Show Cause by the Building Inspector shall be served on the User specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 909 of this Article. Copies of such notice shall be provided to the property owner and to the NYCDEP. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment.

The Town Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town to conduct the hearing who may then:

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

After the Town Board has reviewed the evidence and testimony, it may order the User and/or the property owner to comply with the Building Inspector's order or fine, modify the Building Inspector's order or fine, or enforcement response, or vacate the Building Inspector's order or fine. Any decision from an appeal by a User to the Building Inspector shall state the User's right to file a show cause petition with the Town Board within 15 days of receipt of the decision from the Building Inspector. In any enforcement action brought hereunder by NYCDEP, NYCDEP may petition and obtain a show cause hearing in the same manner and effect as if brought by the Building Inspector.

Section 9.08 - Failure of User to Petition the Building Inspector

In the event the Building Inspector issues any Administrative Order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Building Inspector, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the Administrative Order or fine shall be deemed waived.

Section 9.09 - Notice

The notices, orders, petitions, or other notification which the User or Building Inspector shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, Administrative Order, or other communication mailed to the User pursuant to the sections of this Law shall be mailed to the User where the User's effluent is discharged into the POTW's Sewer System. A copy of any of the above-noted notices, orders, or petitions shall be sent to the NYCDEP. Any notice, petition, or other communication mailed to the Building Inspector shall be mailed to the Town of Middletown Building Inspector at the Town Hall Building.

Section 9.10 - Right to Choose Multiple Remedies

The Building Inspector shall consult with the NYCDEP to arrive at an appropriate administrative remedy. The Building Inspector may utilize more than one administrative remedy established pursuant to this Article, and he/she may hold one show cause hearing combining more than one enforcement action.

JUDICIAL REMEDIES

Section 9.11 - Civil Actions For Penalties

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

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

Such civil penalty may be released or compromised by the Building Inspector before the matter has been referred to the Town's attorney, and where such matter has been referred to the Town's attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town's attorney, with the consent of the Building Inspector.

Section 9.12 - Court Orders

In addition to the power to assess penalties as set forth in this Article, the Building Inspector shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek a court order:

- (1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit, or

- (2) *Enjoining the violator from continuing the violation.*

Any such court order shall be sought in an action brought by the Town attorney, at the request of the Building Inspector, in the name of the Town of Middletown in the Town Court or as provided in Section 902 herein.

The Town Attorney, at the request of the Building Inspector or NYCDEP as provided in Section 902, shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Section 9.13 - Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or Administrative Order of the Building Inspector made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a Show Cause Hearing and provided such prosecution is consistent with said final disposition.

Section 9.14 - Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Building Inspector, or, in accordance with 902A, NYCDEP, through counsel may petition a Court of competent jurisdiction, in the name of the Town, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Building Inspector or NYCDEP. The Town shall not be responsible for any damages for actions brought by NYCDEP in any enforcement action brought by NYCDEP on behalf of the Town according to this law.

Section 9.15 - Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Building Inspector finds, after investigation and consultation with NYCDEP, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Building Inspector, presents a violation of this law that unless immediately corrected poses a substantial and imminent threat to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW (Emergency) and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Building Inspector may, without prior hearing, order such User by notice, in writing wherever practicable, to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an Emergency Violation, the Building Inspector may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Building Inspector shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

In the event the Building Inspector fails to seek summary abatement as described herein, NYCDEP shall have the right to act in the same manner and effect as the Building Inspector, as provided for herein.

ARTICLE 10

PUBLIC DISCLOSURE OF WWTP AND SEWER COLLECTION SYSTEM OPERATIONS

Section 10.01 Procedural Requirements Available

The requirements and procedures for applying for a permit, issued by the NYCDEP or the Town under this Law, and for requesting a hearing shall be made available by NYCDEP or the Town, respectively, to any resident of the Town upon request.

ARTICLE 11

RELATIONSHIP WITH OTHER LAWS AND AGREEMENTS; DELEGATION OF ENFORCEMENT AUTHORITY

Section 11.01 - Relationship to NYC Rules and Regulations and Certain Agreements

Nothing contained in this Law shall be deemed to modify, amend or alter any term or provision of, or the rights of the City of New York or NYCDEP or the Town under New York City's Rules and Regulations For The Protection From Contamination, Degradation And Pollution Of The New York City Water Supply And Its Sources (10 NYCRR Part 128, and Title 15 RCNY Chapter 18) or the Agreement.

Section 11.02 - Special Provisions With Respect to the POTW

Nothing contained herein shall be deemed to limit or abridge, in any way, the right of NYCDEP to approve or condition the connection of any User to the POTW, subject to the applicable terms of the NYC Administrative Code and the Agreement.

Section 11.03 - Delegation of Enforcement Authority

To the extent permitted by applicable law, where there is inadequate enforcement and prosecution of violations affecting the POTW, NYCDEP shall be empowered to enforce the provisions of this law pursuant to and in accordance with the Agreement.

ARTICLE 12

CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

Section 12.01- Conflicts

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

Section 12.02- Severability

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.

Section 12.03- Effective Date

This law shall take effect 30 days after the date of its adoption by the Town Board and the filing of this Law with the Secretary of State.

END OF LAW

APPENDIX A

**MAP OF THE MARGARETVILLE WASTEWATER TREATMENT PLANT'S SEWAGE COLLECTION SYSTEM
SEWER SERVICE AREA**

(Separate Document)

APPENDIX B

Parameters of Concern

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

Class A - Halogenated Hydrocarbons

- A01. Methyl Chloride
- A02. Methylene Chloride
- A03. Chloroform
- A04. Carbon Tetrachloride
- A05. Freon/Genatron
- A06. Other Halomethanes
- A07. 1,1,1-Trichloroethane
- A08. Other Haloethanes
- A09. Vinyl Fluoride
- A10. Vinyl Chloride
- A11. Dichloroethylene
- A12. Trichloroethylene
- A13. Tetrachloroethylene
- A14. Chlorinated Propane
- A15. Chlorinated Propene
- A16. Hexachlorobutadiene
- A17. Hexachlorocyclopentadiene
- A18. Chlorinated Benzene
- A19. Chlorinated Toluene
- A20. Fluorinated Toluene
- A21. Polychlorinated Biphenyl (PCB)
- A22. Chlorinated Naphthalene
- A23. Dechlorane (C₁₀Cl₁₂)
- A24. Hexachlorocyclohexane (BHC)
- A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons)

- B01. Phosgene
- B02. Methyl Chloromethyl Ether
- B03. Bis-Chloromethyl Ether
- B04. Other Chloroalkyl Ethers
- B05. Benzoyl Chloride
- B06. Chlorothymol
- B07. Chlorinated Phenol
- B08. Chlorinated Cresols or Xylenols
- B09. Chlorendic Acid
- B10. Chloroaryl Ethers
- B11. Dichlorophene or Hexachlorophene
- B12. Chlorinated Aniline (Including Methylene Bis (2-Chloroaniline))
- B13. Dichlorobenzidine
- B14. Chlorinated Diphenyl Oxide
- B15. Chlorinated Toluidine
- B16. Kepone (C₁₀Cl₁₀O)
- B17. Dichlorovinyl Sulfonyl Pyridine
- B18. Chloropicrin
- B19. Trichloromethyl Thio-Phthalimide
- B20. Trichloro-Propylsulfonyl Pyridine
- B21. Tetrachloro-Methylsulfonyl Pyridine
- B22. Tetrachloro-Isophthalonitrile
- B99. Halogenated Organics Not Specified Above

Class C - Pesticides (Includes Herbicides, Algacides, Biocides, Slimicides and Mildewcides)

C01. Aldrin/Dieldrin
C02. Chlordane and Metabolites
C03. DDT and Metabolites
C04. Endosulfan/Thiodan and Metabolites
C05. Endrin and Metabolites
C06. Heptachlor and Metabolites
C07. Malathion
C08. Methoxychlor
C09. Parathion
C10. Toxaphene
C11. Sevin
C12. Kelthane
C13. Diazinon
C14. Dithane
C15. Carbaryl
C16. Silvex
C17. Dithiocarbamates
C18. Maneb
C19. Dioxathion
C20. Tandex/Karbutilate
C21. Carbofurans
C22. Pentac
C23. Folpet
C24. Dichlone
C25. Rotenone
C26. Lindane/Isotox
C27. Simazine
C28. Methoprene
C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons

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

Class E - Tars

E01. Coal Tar
E02. Petroleum Tar
E99. Tars Not Specified Above

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated)

F01. Phenol, Cresol or Xylenol
F02. Catechol, Resorcinol, or Hydroquinone
F03. Nitrophenols

F04. Nitrobenzenes
F05. Nitrotoluenes
F06. Aniline
F07. Toluidines
F08. Nitroanilines
F09. Nitroanisole
F10. Toluene Diisocyanate
F11. Dimethylaminoazobenzene
F12. Benzoic Acid (and Benzoate Salts)
F13. Phthalic, Isophthalic or Terephthalic Acid
F14. Phthalic Anhydride
F15. Phthalate Esters
F16. Phenoxyacetic Acid
F17. Phenylphenols
F18. Nitrobiphenyls
F19. Aminobiphenyls (Including Benzidine)
F20. Diphenylhydrazine
F21. Naphthylamines
F22. Carbazole
F23. Acetylaminofluorene
F24. Dyes and Organic Pigments
F25. Pyridine
F99. Substituted Aromatics Not Specified Above

Class G - Miscellaneous

G01. Asbestos
G02. Acrolein
G03. Acrylonitrile
G04. Isophorone
G05. Nitrosamines
G06. Ethyleneimine
G07. Propiolactone
G08. Nitrosodimethylamine
G09. Dimethylhydrazine
G10. Maleic Anhydride
G11. Methyl Isocyanate
G12. Epoxides
G13. Nitrofurans
G14. Cyanide

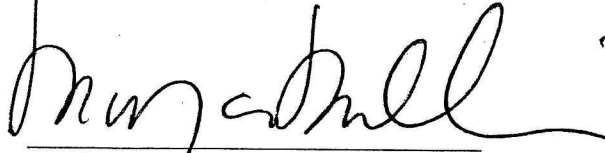
Class M - Metals and Their Compounds

M01. Antimony
M02. Arsenic
M03. Beryllium
M04. Cadmium
M05. Chromium
M06. Copper
M07. Lead
M08. Mercury
M09. Nickel
M10. Selenium
M11. Silver
M12. Thallium

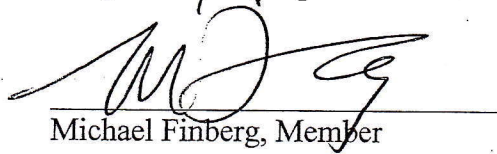
M13. Zinc
M99. Metals Not Specified Above

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Be it enacted this 10th day of July, 2012 by the Town Board of the Town of Middletown,
Delaware County, New York, to be effective July 10th, 2012.



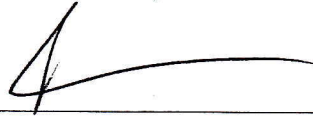
Marjorie Miller, Supervisor



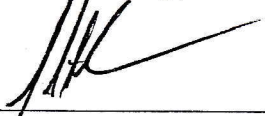
Michael Finberg, Member

John Roucek was absent

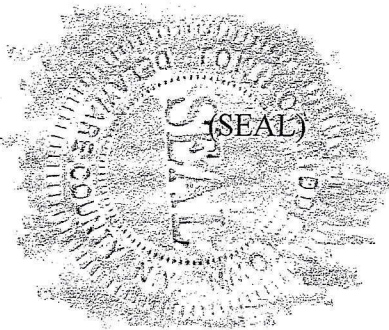
John Roucek, Member



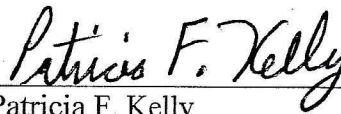
Brian Sweeney, Member



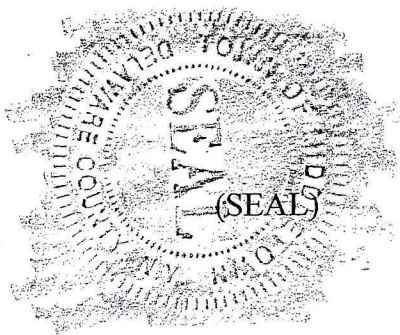
Jacob Rosa, Member



ATTEST:



Patricia F. Kelly
Town Clerk

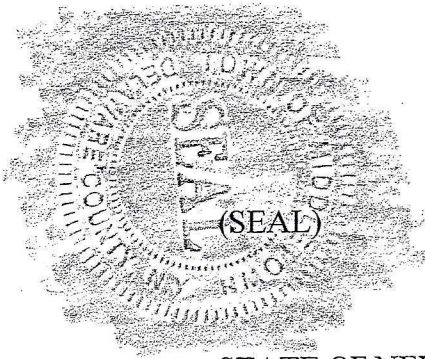


ATTEST:

Patricia F. Kelly
Patricia F. Kelly
Town Clerk

I hereby certify that the local law annexed hereto, designed as Local Law N. 3 pf 2012 of the Town of Middletown was duly passed by the Town Board on July 10, 2012, in accordance with the applicable provision of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law as duly adopted.



Patricia F. Kelly
Patricia F. Kelly
Town Clerk

Dated: July 10th, 2012

STATE OF NEW YORK
COUNTY OF DELAWARE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Carey Wagner
Carey Wagner
Town Attorney
Town of Middletown
July 10th, 2012