

SEWER USE LAW OF THE GERMANTOWN SEWER DISTRICT NO. 1

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ARTICLE I

SECTION I PURPOSE AND FINDINGS

- A. The findings of the Town Board of the Town of Germantown are that the operation of the publicly owned treatment works ("POTW") of the Germantown Sewer District No.1 is in the interests of the residents of the Town and promotes the health, safety and welfare of the residents of the district and that the imposition of sewer rents and charges are necessary for the operation of the POTW.
- B. The purpose of this Local Law is to provide for the efficient, economic, environmental, and legal operation of the POTW specifically:
 - 1. To prevent the introduction of pollutants into the district's POTW which will:
 - (a) interfere with its operations, including interference with the use or disposal of municipal sludge;

- (b) pass through or otherwise be incompatible with the POTW;
 - (c) limit opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; or
 - (d) endanger the health or safety of sewer workers.
- 2. To prevent new sources of infiltration and inflow and, as much as possible, to eliminate existing sources of infiltration and inflow;
 - 3. To assure that new sewers and connections are properly constructed; and
 - 4. To provide for equitable distribution and recovery of the cost of the municipal wastewater system.

SECTION II AUTHORITY

- A. The authority for the enactment of this Local Law is Section 452 of the General Municipal Law of the State of New York.

ARTICLE II

SECTION I DEFINITIONS

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

- A. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in parts per million by weight.
- B. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys to the inner face of the building wall.
- C. "Combined Sewer" shall mean a sewer which carries both sanitary sewage and storm and surface water.

- D. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or the spread of disease.
- E. "District" shall mean the Germantown Sewer District No. 1 of the Town of Germantown, Columbia County, New York.
- F. "District Boundaries" shall mean the physical boundaries as presently established or as may be extended from time to time as duly provided by town law.
- G. "Engineer for the Town" shall mean the professional engineer retained by the Town Board as Engineer for the Town of Germantown in connection with The Germantown Sewer District No. 1, or his authorized deputy, agent or representative.
- H. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- I. "Industrial" or "Commercial" classifications which bear upon applications, rates, fees or other considerations shall be determined solely by the Town Board.
- J. "Industrial User" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual" 1972 edition, as published by the Executive Office of the President of the United States and which utilizes the services of the Town's sewer system.
- K. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- L. "Lateral" shall mean the extension from the building drain to the public sewer or other place of disposal.
- M. "Natural Outlet" shall mean any outlet into a watercourse pond, ditch, lake or other body of surface or groundwater.
- N. "New York State Department of Environmental Conservation or NYSDEC" shall mean the New York State Department of Environmental Conservation or other duly authorized official of said Department.
- O. "Nonbuildable Vacant Land or Parcel" shall mean a vacant lot or parcel that does not qualify as a building lot pursuant to the Germantown Zoning Ordinance.
- P. "Person" shall mean an individual, firm, company, association, society, corporation or group.

- Q. "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- R. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.
- S. "POTW Treatment Plant" shall mean that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- T. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CRF 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.
- U. "Properly Shredded Garbage" shall mean garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
- V. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- W. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 USC 1292). It includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- X. "Sanitary Sewer" shall mean a sewer which carries sewage and to which ground, surface and storm waters are not intentionally admitted.
- Y. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- Z. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- AA. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

- BB. "Sewer" shall mean a pipe or conduit for carrying sewage.
- CC. "Shall" is mandatory; "may" is permissive.
- DD. "Significant Industrial User" shall mean any user who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5 percent of the flow in the municipality's wastewater system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or (iv) has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act or (v) is found by the Town to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.
- EE. "SPDES" shall denote the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the State.
- FF.. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- GG. "Suspended Solids" shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
- HH. "Town" shall mean the Town of Germantown, Columbia County, New York.
- II. "Town Board" shall mean the duly elected Town Board of the Town of Germantown or their authorized deputy or representative.
- JJ. "United States Environmental Protection Agency or USEPA" shall mean the U.S. Environmental Protection Agency or where appropriate a designation for the administrator or other duly authorized official of said agency.
- KK. Vacancy in a House, Apartment, and Business Defined as follows:
 Three consecutive months per six month evaluation
- January 1-June 30 - If vacant three consecutive months in this period we will reduce annual O&M charges - 50%
- July 1-December 31 - If vacant three additional consecutive months in this period we will reduce annual O&M charges - 50%

If vacant three consecutive months overlapping two six month evaluation periods we will reduce annual O&M charges an additional 50%

Vacancy will be reviewed by the Town Board on January 1st and July 1st and sewer charges will be adjusted according to the above information.

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

SECTION II USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this local law.
- C. Within the District, it shall be unlawful to construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except as hereinafter provided.
- D. The Owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the District Boundaries are hereby required to install suitable plumbing facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law.
- E. No statement contained in this Section shall be construed to override or interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

SECTION III LATERALS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Board.

- B. There shall be two (2) classes of lateral permits: (1) for residential and commercial services; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make the application on a special form furnished by the Town. Their permit application shall be supplemented by any plans, specifications or other information considered pertinent, in the judgment of the Town Board. A permit and inspection fee of Fifteen (15.00) Dollars per sewer permit shall be paid to the Town Clerk at the time the application is filed.
- C. A separate and independent lateral shall be provided for every building except where otherwise approved by the Engineer for the Town and authorized by the Town Board.
- D. Old laterals may be used in connection with new buildings only when they are found, on examination and test by the Engineer for the Town, to meet all requirements of this Local Law .
- E. Laterals shall consist of PVC SDR-35 pipe, in accordance with ASTM specification D3034-89. The pipe shall be furnished with integral bells and spigots, and with factory installed, non-removable o-ring seals. A lateral shall be located in such a manner that it complies with all necessary set-back and separation distances specified in the New York State Dept. of Environmental Conservation “ Design Standards for Wastewater Treatment Works” latest edition. Other generally accepted piping material for laterals may be submitted to the Engineer for the Town for approval. Approved piping should be adapted to local conditions, such as character of wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, high water table, and abrasion. Sewers shall be sufficiently deep to prevent freezing. All piping shall be properly bedded in accordance with standard accepted practice for the type of pipe being installed. Solid green, 6 inch wide, Polyethylene underground warning tape, with continuously printed caption in black letters “ CAUTION - SEWER LINE BURIED BELOW”, shall be buried in the sewer trench 2 feet above the sewer line. A clean-out shall be installed within 3 feet of the building / structure line, and be located so that it is easily accessible. Clean-outs shall be protected by a cast iron valve box. Additional clean-outs shall be placed at changes in horizontal direction greater than 45 degrees. For long lateral runs, clean-outs shall be placed 100 feet on center.
- F. The size and slope of the lateral shall be subject to the approval of the Engineer for the Town, but in no event shall the diameter be less than four inches except for a force lateral as described in paragraph H of this Section. A four inch diameter sewer may be used for raw sewage if a minimum slope of 1/4 inch per foot (2%) is maintained and a velocity of at least 2 feet per second is achieved when the sewer is flowing full. In all laterals where velocities greater than 15 feet per second are

expected, special provisions shall be made to protect against displacement by erosion and shock.

- G. Whenever possible the lateral shall be brought to the building at an elevation below the basement floor. No lateral shall be laid parallel to or within three (3') feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The 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.
- H. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the lateral, and the cost of installing such artificial means shall be paid by the District where the aforesaid building drain was in place and in existence at the time that the public sewer is installed. Thereafter, the cost of maintenance, repair and replacement of any artificial means of lifting sanitary sewage from a building drain to the public sewer as well as the utility costs incurred in the operation thereof shall be paid by the owner of the premises on which any such building drain is located. The cost of installation, maintenance, repair and replacement of any artificial means of lifting sanitary sewage from a building drain to the public sewer as well as the utility costs incurred in the operation thereof, where artificial means are made necessary by the construction and installation of building drains subsequent to the installation of the public sewer shall be paid by the owner of the premises on which any such building drain is located. The artificial means by which the sewage will be conveyed shall require approval by the Engineer for the Town, and be in conformance with New York State Dept of Conservation "Design Standards for Wastewater Treatment Works".
- I. All excavations required for the installation of a lateral shall be open trench work unless otherwise approved by the Engineer for the Town. Pipe laying and backfill shall be performed in accordance with the section of the construction specifications for the Germantown Sewer District No. 1 entitled "Excavation, Trenching, and Backfilling for Utilities Systems".
- J. The connection of the lateral into an existing public sewer shall be made at the property line. If a lateral connection has not previously been provided, the lateral will be constructed from the existing public sewer to the property line by, or at the direction of, the Town upon submittal of a proper request by the property owner. The method of connection of the lateral to the public sewer will be dependent upon the type of sewer piping. The cost of constructing the said lateral shall be paid by the Owner with the exception of laterals that are part of the initial sewer system the costs of which shall be paid by the District.

- K. The Applicant for the lateral permit shall notify the Engineer for the Town when the lateral is ready for inspection and connection to the public sewer lateral. The connection shall be made under the supervision of the Engineer for the Town or his agent or representative or such other person appointed by the Town Board. Prior to connecting to the public sewer, the lateral should be tested using the “low pressure air test” method outlined below:

Low Pressure Air Test

1. All wyes, tees and stubs shall be plugged with flexible jointed caps, or acceptable alternate, securely fastened to withstand the internal test pressure. Such plugs or caps shall be readily removable.
2. The section of sewer to be tested shall have been backfilled and cleaned. Pneumatic plugs placed in both ends of the pipe to be tested shall be inflated to 25 psig. The sealed sewer pipe shall then be pressurized to 4 psig above the average back pressure of ground water over the sewer pipe and the air pressure allowed to stabilize for at least two minutes. The average back pressure shall be assumed equal to 0.43 psig for each foot of water above the crown of the pipe.
3. After the air pressure has stabilized, the line shall be pressurized to 3.5 psig above the average back pressure, and the time in minutes measured for a pressure drop of 1.0 psig. The line being tested shall be deemed acceptable when the time taken for the one (1) pound pressure drop is not less than that allowed by ASTM designation C828.
4. The required length of testing time for one (1) pound pressure drop shall be computed from the minimum test times per one hundred (100) feet of sewer line shown in the following table. When the section of line tested includes more than one pipe size, the test time shall be the sum of test times compiled for each size line.

MINIMUM TEST TIME FOR VARIOUS PIPE SIZES
(Per ASTM C818)

Nominal Pipe Size, in.	T(time) min/100 ft.	Nominal Pipe Size, in.	T(time) Min/100 Ft.
3	0.2	21	3.0
4	0.3	24	3.6
6	0.7	27	4.2
8	1.2	30	4.8
10	1.5	33	5.4

12	1.8	36	6.0
15	2.1	39	6.6
18	2.4	42	7.3

- L. When trenches are opened for the laying of lateral pipes, such trenches shall be inspected by the Engineer for the Town or his deputy or representative before the trenches are filled and the plumber performing such work shall notify the Engineer for the Town when the laying of sewer is completed. If a trench is filled before inspection is made, the plumber to whom a permit is issued must re-excavate the trench to permit the required inspection.
- M. All excavation for lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- N. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Engineer for the Town. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Engineer for the Town, to a storm sewer or natural outlet provided the discharger obtains a SPDES permit and complies with State and Federal Regulations.
- O. In addition to all of the requirements set forth in this section and in this Local Law , establishments producing industrial wastes must comply with this Paragraph to obtain a discharge permit.
 - 1. The owner of an establishment, or his agent, producing industrial waste shall make application for industrial waste discharge permit to the Town of Germantown on a special form furnished by the Town.
 - 2. The application will require information concerning volume, constituents and characteristics of waste water; flow rates; each product produced by type; amount and rate of production; and description of activities, facilities and plant process on the premises including all materials processed and the types of materials which are or could be discharged.
 - 3. All industrial waste permits shall contain specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.

4. The maximum time period for the industrial waste discharge permit shall be two years provided, however, that the Town of Germantown may extend the permit upon application by owner or agent.
5. Industrial waste discharge permit's terms and conditions may be subject to modification and change by the Town of Germantown. The Town Board will give sixty (60) days written notice to all holders of industrial waste discharge permits notifying them of the change and providing for a compliance period. The industrial waste discharge permit shall not be assigned or transferred or sold to a new owner, new user, or a new or changed operation whether or not on different premises, it being understood that the industrial waste discharge permit is issued to a specific user for a specific operation.
6. An industrial waste discharger shall apply for a permit modification if production or process is changed so that the waste water characteristics or flow are altered.
7. Any industrial waste discharger who violates any provision of this paragraph or of this Local Law or fails to comply with any of the requirements of this paragraph or this Local Law shall be subject to immediate revocation of the industrial waste discharge permit. This revocation is in addition to any penalties set forth in Section VII of this Local Law .
8. The requirements of this industrial waste discharge permit paragraph shall be uniformly enforced by the Town of Germantown in accordance with the provisions of this Local Law and any and all applicable State and Federal Regulations.
9. The industrial waste discharge permit granted pursuant to this paragraph shall be expressly subject to all provisions of the Local Law including all regulations, user charges and fees established therein and subject to all applicable State and Federal Regulations.

SECTION IV SEWER EXTENSION

- A. All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed in accordance with the Recommended Standards for Sewage Work, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers and in strict conformance with all requirements of the Columbia County Health Department and/or New York State Department of Environmental Conservation. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the Engineer for the Town and New York State Department of Environmental Conservation before construction may proceed. The design of sewers must anticipate and allow for flows from all foreseeable future extensions or developments within the immediate drainage area.

- B. Sewer extensions, including individual laterals to the property line, may be constructed by the Town under public contract if, in the opinion of the Town Board, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the lateral from the property line to his residence or place of business in accordance with the requirements of Section III. Thereafter, each property owner served by the extended public sewers will be charged at the full service charge rate as outlined in Section IX. Property owners may, in accordance with applicable law, propose sewer extensions within the Germantown Sewer District No. 1 or other parts of the Town by drafting a written petition, signed by a majority of the benefitting property owners, and filing it with the Town Board.
- C. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if this extension is approved by the Town Board in accordance with the requirements of this local law. He or they must pay for the entire installation, including all expenses incidental thereto. Each lateral must be installed and inspected as required by this local law and the inspection fees shall be paid. Design of sewers shall be as specified in Paragraph D. The installation of the sewer extension must be subject to full time inspection by the Engineer for the Town and the expenses for this inspection shall be paid by the owner, builder or developer. The Engineer for the Town's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the quality assurance tests required in paragraph F before it is to be used. The cost of the sewer extension thus made shall be absorbed by the developers or the property owners and thereafter the property owners will be subject to a sewer service charge as outlined in Section IX.
- D. Sewer design shall be in accordance with the following provisions. General piping for conveyance of wastewater by gravity means shall consist of PVC SDR-35 pipe, in accordance with ASTM specification D3034-89. The pipe shall be furnished with integral bells and spigots, and with factory installed, non-removable o-ring seals. All ductile iron pipe specified for use in the sanitary sewer system shall meet the requirements set forth in ASTM A746, Class 50. All transition fittings between ductile iron pipe and PVC pipe shall be mechanical joint type and comply with all of the requirements of the pipeline in which it is installed. Other generally accepted piping material for sewers may be submitted to the Engineer for the Town for approval. Approved piping should be adapted to local conditions, such as character of wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, and abrasion. Sewers shall be sufficiently deep to prevent freezing. All piping shall be properly bedded in accordance with standard accepted practice for the type of pipe being installed. Gravity sewer lines shall be laid on straight

alignment and uniform slope between manholes. Solid green, 6 inch wide, Polyethylene underground warning tape, with continuously printed caption in black letters "CAUTION - SEWER LINE BURIED BELOW", shall be buried in the sewer trench 2 feet above the sewer line.

- E. Manholes shall be placed on conventional gravity sewers at all points of change of grade, size of alignment; at the end of all lines; and at distances not to exceed 400 feet. Drop manholes shall be used for all sewers entering at an elevation of 24 inches or more above the manhole invert. Manholes shall be of such construction to withstand all expected interior and exterior loadings. All manholes shall be pre-cast concrete meeting the requirements of ASTM-C478, with bituminous waterproofing placed on the exterior surface. Manholes shall be of circular cross-sections with male and female ends. O-ring seals shall be used in conformance with ASTM C-443. All manholes shall have steps that are resistant to highly corrosive conditions, and can support a concentrated load of 300 pounds. Manhole frames and covers shall be iron casting conforming to ASTM-A48, Class 30, and shall be of water tight construction. A gasket shall be cast into the manhole wall to assure a watertight connection with the attached pipe. The gasket shall meet the requirements of ASTM-C923.
- F. All sewers shall satisfy requirements of quality assurance testing before they will be approved and sewage flow accepted from them by the Town. Gravity sewers piping shall be tested by the "low pressure air test" method. The low pressure air test shall be conducted as follows:

LOW PRESSURE AIR TEST

1. All wyes, tees and stubs shall be plugged with flexible jointed caps, or acceptable alternate, securely fastened to withstand the internal test pressure. Such plugs or caps shall be readily removable.
2. The section of sewer to be tested shall have been backfilled and cleaned. Pneumatic plugs placed in both ends of the pipe to be tested shall be inflated to 25 psig. The sealed sewer pipe shall then be pressurized to 4 psig above the average back pressure of ground water over the sewer pipe and the air pressure allowed to stabilize for at least two minutes. The average back pressure shall be assumed equal to 0.43 psig for each foot of water above the crown of the pipe.
3. After the air pressure has stabilized, the line shall be pressurized to 3.5 psig above the average back pressure, and the time in minutes measured for a pressure drop of 1.0 psig. The line being tested shall be deemed acceptable

when the time taken for the one (1) pound pressure drop is not less than that allowed by ASTM designation C828.

4. The required length of testing time for one (1) pound pressure drop shall be computed from the minimum test times per one hundred (100) feet of sewer line shown in the following table. When the section of line tested includes more than one pipe size, the test time shall be the sum of test times compiled for each size line.

MINIMUM TEST TIME FOR VARIOUS PIPE SIZES
(Per ASTM C818)

Nominal Pipe Size, in.	T(time) min/100 ft.	Nominal Pipe Size, in.	T(time) Min/100 Ft.
3	0.2	21	3.0
4	0.3	24	3.6
6	0.7	27	4.2
8	1.2	30	4.8
10	1.5	33	5.4
12	1.8	36	6.0
15	2.1	39	6.6
18	2.4	42	7.3

Manholes structures shall be subjected to a water-tightness test in accordance with the following:

1. Completed manholes shall be subject to water-tightness tests by filling them with water to the rim and in such manner as may be directed by the Engineer. Manholes shall show no leakage over a one-hour period. Leakage shall be cause for repair or rejection at the option of the Engineer. After repairs are made, the manhole shall again be water tested.
- G. All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Engineer for the Town, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewer extensions after their acceptance by the Town shall be guaranteed for one year. The guarantee shall be in a form provided for by the Town. At the sole discretion of the Town, completion bond or certified check may be demanded as part of the guarantee.
- H. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District Boundaries unless a suitable

and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

SECTION V USE OF PUBLIC SEWERS

- A. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:
1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
 2. Any waters or wastes which contain grease or oil or other substance that will solidify or become discernably viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
 3. Any waters or wastes containing emulsified oil and grease exceeding an average of 50 parts per million gallons ether soluble matter.
 4. Any liquids, solids 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 fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the State or EPA has notified the user is a fire hazard or a hazard to the system.
 5. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
 6. Any garbage that has not been properly pulverized or ground to fine powder.
 7. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, hair and fleshings, entrails, lime, residues, beer and distillery slops, chemical residue, paint residues, cannery waste, bulk solids, or any other solid or viscous substance in an amount

capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage system.

8. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage system; free acids and alkalies must be neutralized, at all times, within a permissible PH range of 6.0 to 9.0.
9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Local, State or Federal Regulations.
10. Any waters or wastes that, for a duration of 15 minutes has a concentration greater than 5 times the average of that of "normal sanitary sewage" (defined in paragraph 14 of this section) as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit.
11. Any storm water, roof drains, floor drains, spring water, cistern or tank overflow, cellar or footing drains, discharge from any vehicle rack, or the contents of any privy vault, holding tank, septic tank or cesspool or the discharge of condensate from any air conditioning machine or refrigeration unit.
12. No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Town sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage or as identified by a categorical standard whichever is more stringent. If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration by the Engineer for the Town.
13. Any water or waste containing heat in such quantities to cause the temperature at the influent to the POTW treatment plant to exceed 104 degrees F (40 degrees C).

LIMITS OF TOXIC SUBSTANCES IN SEWAGE
AT POINT OF ENTRY INTO MUNICIPAL SYSTEMS

<u>Parameter</u>	<u>Effluent Concentration Limits (mg/l)</u>	
	<u>30 Day Average</u>	<u>18 Hour Average</u>
Cadmium	0.4	0.8
Hex Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		
To Fresh Water	4.0*	8.0*
To Saline Water	36.0	72.0
Phenol	4.0	8.0

*May be multiplied by a factor of 15 if the municipal water supply is not fluoridated.

14. "Normal Sanitary Sewage" shall be construed to fall within the following ranges at the effluent of the industrial plant in question.

<u>Constituents</u>	<u>Normal Range</u>
Suspended Solids	180 to 350 ppm
B.O.D	140 to 300 ppm
Chlorine Demand	5 to 15 ppm

15. Any discoloration such as, but not limited to dyes, inks and vegetable tanning solution or any other condition in the quality of the treatment works effluent in such a manner that receiving quality requirements established by law cannot be met.
 16. Any waters or wastes containing phenols or other taste producing substances, in such concentrations exceeding limits which may be established by the Engineer for the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 17. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. Any substance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- B. Grease, oil and sand interceptors shall be provided when in the opinion of the Engineer for the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer for the Town and shall be located as to be readily and easily accessible for cleaning and inspection.
- C. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.
- D. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be

accessible and open to inspection by the Engineer for the Town or his deputy or representative at any time.

- E. The admission into the public sewers of any waters or wastes having (a) a 5 day Biochemical Oxygen Demand greater than 300 parts per million by weight of suspended solids or (b) containing more than 350 parts per million by weight of suspended solids or (c) containing more than 15 parts per million of chlorine demand or (d) containing any quantity of substances having the characteristics above the previously described limits or (e) having an average daily flow greater than 2% of the average daily sewage flow of the Town, shall be subject to the review and approval of the Engineer for the Town. Where necessary, in the opinion of the Engineer for the Town, the Owner shall provide at his expense, such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight or (b) reduce the chlorine demand to 15 parts per million or (c) reduce objectionable characteristics or constituents to within the maximum limits provided for, or (d) control the quantities and rates of discharge of such waters or wastes.
- F. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer for the Town and of the New York State Department of Environmental Conservation and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- G. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Engineer for the Town, the Owner of any property served by a lateral carrying industrial wastes shall install a suitable control manhole in the lateral to facilitate observation, sampling and measurement of the wastes.
- I. All measurements, test and analysis of the characteristics of waters and wastes to which reference is made shall be determined in accordance with New York State Health Department Methods of Examination of Water and Sewage upon suitable samples taken at control manholes provided for above. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the lateral is completed.
- J. Special agreements and arrangements between the municipality and any persons or agencies may be established when in the opinion of the Town unusual or extraordinary circumstances compel special terms and conditions, however, no such

agreement shall circumvent Federal Categorical Pre-treatment Standards as promulgated by the U.S.E.P.A.

SECTION VI PROTECTION FROM DAMAGE

- A. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District Sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION VII POWERS AND AUTHORITY OF INSPECTIONS

- A. The Engineer for the Town, employees of U.S.E.P.A. and N.Y.S.D.E.C., and duly authorized employees of the Town, bearing proper credentials and identification and having a reason for inspection, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling and testing, in accordance with the provisions of this Local Law . The Town shall have the authority to enforce industrial pretreatment standards promulgated by U.S.E.P.A. pursuant to Section 307 of P.L. 92-500.
- B. The Town Board may appoint a Superintendent for the District who shall have such duties and responsibilities for the management and operation of the District as the Town Board may from time to time establish.
- C. The Town shall have the right to set up on user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by Town's wastewater discharge laws and sample any effluent which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentations of suitable identification, personnel from the Town will be permitted to enter without delay.
- D. The Town shall have the right to enter and inspect any property within the District to determine its use category pursuant to Section IX of this local law.

SECTION VIII PENALTIES

- A. Any person found to be in violation of any provision of this local law shall be served by the Town with written notice stating the nature of the violation and

providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. Any person who shall continue any violation beyond the above time limit shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to a fine in an amount not exceeding Five Hundred (\$500.00) Dollars or to imprisonment for not more than one year, or to both such fine and imprisonment, for each violation. Each day in which any such violation shall continue shall be deemed a separate violation.
- C. In addition to the foregoing penalties, any person violating any of the provisions of this Local Law shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
- D. If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this Local Law , Federal or State Treatment Requirements, or any order of the Town, the Town Attorney or the Attorney for the Town may commence an action for appropriate legal and/or equitable relief in the court of this county.
- E. A user shall notify the Town immediately upon accidentally discharging wastes in violation of this Local Law . This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment process, or for any fines imposed on the Town under, applicable State and Federal regulations.
- F. A notice shall be furnished and permanently posted on a significant industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Local Law . Also copies of the Local Law are to be made available to users employees.
- G. Detailed plans showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from significant contributing industries shall be submitted to the Town for review and shall be acceptable to the Town before construction of the facilities.
- H. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall approximately label such entry points to warn against discharge of wastes in violation of this Local Law .

- I. When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 05-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.
- J. The Town reserves the right to establish by Local Law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Local Law .
- K. No user shall ever increase the use or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other Pollutant specific limitation developed by the Town or State unless authorized by State or Federal regulations.
- L. Any person who knowingly makes any false statement, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law , shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the provision of the penal law.
- M. The Town is authorized to issue an order to cease and desist and direct those persons not complying with such prohibition, limits, requirements or provisions of the Local Law or the wastewater discharge permit to:
 - 1. Comply forthwith; or
 - 2. Comply in accordance with a time schedule set forth by the Town; or
 - 3. Take appropriate remedial or preventive action in the event of a threatened violation.
- N. The Town may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater service to any premises upon which a violation of any provision of this Local Law is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this Local Law .

SECTION IX SEWER CHARGES

- A. The source of the revenues for debt service shall be a Sewer Capital Charge and the source of revenues for operation and maintenance, including replacement of equipment and other capital expenditures, of the public sewerage works shall be a Sewer Rent Charge. The Sewer Capital Charge shall apply to any property that is located within the boundaries of the District. The Sewer Rent Charge shall apply to any property that is located within the boundaries of the District which has septic or sewage facilities which are connected to the POTW as required by Section II of this Local Law, except a Vacant Building as defined in Section I.

- B. The full amount of the Sewer Rent Charge shall be collected annually commencing February 1, 1998, and on like dates in each and every year thereafter and the full amount of the Sewer Capital Charge shall be collected annually commencing May 1, 1998, and on like dates in each and every year thereafter. The Sewer Capital Charges and/or Sewer Rent Charges shall be established by the Town Board on an annual basis and the Charges will be in accordance with the classification of "User units" as set forth below:

I. Sewer Capital Charge (Debt Service):

$$\frac{\text{Yearly Total Costs of Bonds}}{\text{Total Number of User Units in the Sewer District}} \times \text{Number of User Units per Property}$$

II. Sewer Rent Charge (Operation and Maintenance)

$$\frac{\text{Yearly Total Budgeted Operation and Maintenance to be Collected}}{\text{Total Number of User Units Connected to the Sewer System (except Vacant Buildings)}} \times \text{Number of User Units per Property}$$

The number of User Units per property shall be determined by the following schedule:

<u>Description</u>	<u>Units</u>
1. Buildable Vacant Land (greater than 5 acres)	Number of acres/10 (Sewer Capital Charge only)
2. Buildable Vacant Parcel (less than 5 acres)	0.5 (Sewer Capital Charge only)
3. Nonbuildable Vacant Land or Parcel	0
4. Small Retail Business (3 persons or less)	0.5
5. Small Office (3 persons or less)	0.5
6. Large Office/General Commercial/Light Manufacturing	1 + .25 per person above 4
7. Laundromat	Number of Washers x 0.5
8. Religious/Fraternal	Number of buildings with bathroom facilities x 1
9. Schools	Number of persons/20
10. Bed & Breakfast	1 + .25 per bedroom above 1

11. Hotel/Motel	1 + .25 per bedroom above 1
12. Restaurant with or without take-out deli/food preparation	1.5
With gasoline sales add -	1.5
With 18 or less seats add -	0.5
19-24 seats add -	1.0
25 + seats add (# seats divided by 10)	
*Note - Outside seating exempt	
13. Gasoline Station	1.5
14. Hospital/Nursing Home	Number of beds x .40
15. Car Lot/ Parking Lot	0.5 (Sewer Capital Charge only)
16. Car Wash	Number of stalls x 1
17. Industrial (other than light Manufacturing)	1 + (Number of Persons/5) + (Daily Effluent/300 Gallons)
18. Single Family Residence	1 + .25 per bedroom above 4
19. Multiple Residence with 2 or more bedrooms	1 per unit
20. Multiple Residence with 1 bedroom	0.5 per unit
21. Deli/Food Preparation	1.5 + (Number of Seats/10)
22. Adult Home/Community Residence/Senior Housing	0.5 per resident
23. Funeral Home	1.5
24. Municipal Facility	Number of buildings with bathroom facilities x 1
25. Vacant Building - The Main Building, with Sewer, on a parcel that is vacant	1.0 (Sewer Capital Charge only)
26. Home Occupation in the Home or an Accessory Building	
Resident Family only - no Employees	0
One Employee	0.25

	Two-Three Employees	0.5
	Four plus Employees	1 + .25 Per Person Above 4
27.	Grocery Store with or without take-out deli/food preparation	1.5 Units
	With gasoline sales additional	1.5
	With inside seating additional	(# seats divided by 10)
28.	An Accessory Building on the same parcel with a Main Building With: No Home Occupation or no Business	0
29.	Elder Cottage as defined in the Germantown Zoning Ordinance	
	1 Person	0.25
	2 People	0.50
	3 People	0.75
	4 + People	1.0
30.	Seasonal Guest Cottage on same parcel as Main House	0.125
31.	Any other use	To be determined By Town Board

- C. The Town Board shall assign the proper number of User Units by using the preceding Table to each property within the District as follows:
1. For the year 1998, based upon its use on December 15, 1997, except that as to a property or use being constructed or contemplated to be constructed within the District during 1998 for which the District is paying the sewer lateral hook-up costs, based upon its projected use after completion of construction. For the year 1998 the Town Board shall assign User units on or about December 15, 1997.
 2. For the year 1999 and for each subsequent year, based upon its use as of the first day of January, the operating and maintenance sewer rent charge will be due February 1st payable to March 15th without penalty and the debt sewer capital charge will be due May 1st payable to June 15th without penalty. The second evaluation date will be July 1st. Any new connection to the sewer system after 1998 will be charged the Sewer charges on a pro rated basis for that year based upon the date of connection.
- D. An Owner may challenge the number of units assigned to his/her property in such a manner and at such times as established by the Town Board.

- E. The Town shall periodically review the "User Unit" charge system to accomplish the following:
- (a) Ensure that a fair and equitable distribution of debt service costs exists among Users; and
 - (b) Ensure that a fair and equitable distribution of operation and maintenance costs exists among Users; and
 - (c) Review the total annual costs of operation and maintenance of the POTW to ensure that sufficient revenues are generated to pay the total operation and maintenance costs necessary to proper operation and maintenance (including replacement) of the treatment works.
- F. Excess revenues collected from Users for the cost of operation and maintenance of the sewer system shall be applied to the Sewer Rent Charges for the following year. Notwithstanding the foregoing, the Town Board may use said excess revenues, when deemed necessary, as a source of funds for the Equipment Replacement Fund whose establishment is authorized as set forth herein below.
- G. The Town Board may provide a Equipment Replacement Fund for the purpose of replacing system equipment, including sewer pipes and other appurtenances, in such an amount as it shall deem necessary.
- H. The cost of all extraneous flow treatment shall be part of the operation and maintenance costs of the sewage works.
- I. The Town Board of the Town of Germantown reserves the right, from time to time, to change the Sewer Rent Charge and/or the Sewer Capital Charge originally or previously assigned to any property owner.
- J. The Sewer Rent Charge shall be due and payable to the Germantown Sewer District No. 1. and such payment shall be made to the Town Clerk at its office, annually, on the 1st day of February. If such payment is not made by March 15th, a penalty of 5% of the amount of such bill will be added thereto. If such bill remains unpaid by April 1st, then interest at the rate of 1% per month on the unpaid bill shall be added to the bill until payment is made. The Sewer Capital Charge shall be due and payable to the Germantown Sewer District No. 1. and such payment shall be made to the Town Clerk at its office, annually, on the 1st day of May. If such payment is not made by June 15th, a penalty of 5% of the amount of such bill will be added thereto. If such bill remains unpaid by July 1st, then interest at the rate of 1% per month on the unpaid bill shall be added to the bill until payment is made. The Sewer Rent Charge and the Sewer Capital Charge and the interest and penalties

thereon shall be a lien upon the real property which is using the public sewer or which is located within the District Boundaries, and on or before the day when, under the Town Law, preliminary estimates of expenditures are required to be submitted, the Town Clerk shall prepare and file with the Town Board, a statement showing all sewer user charges with penalties and interest thereon, which remain unpaid, which said statement shall contain a brief description of the property to which sewer services were supplied or which is within the District Boundaries, the name of the owner liable to pay the same, so far as may be known, and the amount chargeable. If a Sewer charge remains unpaid after October 31st following the date upon which the Sewer charge is due, the unpaid Sewer charge shall be sent to the Columbia County Real Property Tax Office and shall be added to the tax roll and collected in the same manner as real property taxes due and owing to the Town are collected.

- K. It shall be the duty of the Town Board to make a survey, annually or at such times as may be required, to determine whether there is being discharged into the sewer system from any real property, sewage or other wastes which, in the opinion of the Town Board contain unduly high concentrations of solids or any other substance adding to the operating costs of the POTW. Upon completion of such survey, the Town Board shall determine whether additional Sewer Rent Charges should be levied for such sewage or other wastes, and, if so, establish same. The Town Board is authorized to fix, determine, and assess such additional Sewer Rent Charge as shall be equitable, in addition to the Sewer Rent Charge provided for in this local law.
- L. The Town may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.
- M. The cost of constructing future laterals from the public sewer to the building shall be paid by the property owner.
- N. The provisions of this local law relating to the collection of Sewer Capital Charges and Sewer Rent Charges shall apply to the collection of other sewer charges, including additional Sewer Rent Charges, as established by this local law.
- O. The POTW shall be operated on a fiscal year commencing on the first day of January and ending on the thirty-first day of December.

SECTION X VALIDITY

- A. All ordinances or local laws or parts of ordinances or local laws in conflict herewith, are hereby repealed.
- B. The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION XI EFFECTIVE DATE

- A. This local law shall be in full force and effect from and after its passage, approval, recording and Publication as required by law.