

Local Law No. ___ of 2023

A Local Law Amending Article I of Chapter 83 of the
Code of the Village of Chatham—Sewer Use

Final Form – for August 14, 2023

BE IT ENACTED by the Board of Trustees of the Village of Chatham, as follows:

Section 1. Legislative Findings and Intent.

The Board of Trustees of the Village of Chatham finds that in order to better fulfill the purposes of this article, it is necessary to enhance and clarify the requirements applicable to users of the Village sewer system and to enhance and clarify the permitting system under which users of the sewer system are authorized to connect to and use the Village sewer system.

§ 2. Article I (“Sewer Use”) of Chapter 83 (“Sewers”) of the Code of the Village of Chatham is amended in its entirety, to read as follows:

Article I. Sewer Use.

[Adopted 11-18-1982 by L.L. No. 1-1982]

§ 83-1 Purpose. The purpose of this Article is specifically stated as follows:

- A. To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the village sewerage system.
- B. To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.
- C. To prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the lateral and trunk sewers, force mains, pumping stations and other structures and appurtenances of the Village of Chatham sewerage system.
- D. To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the water pollution control plants as they may be constructed, modified or improved in the future.
- E. To prohibit and/or to regulate the contribution of sewage, industrial wastes or other wastes which require, for treatment at the plant, greater expenditures than are required for equal volumes of normal sewage.

F. To require the treatment, before introduction into the village sewers, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the sewer system, by direct or indirect chemical action, or interfere with the normal treatment processes.

G. To provide cooperation with the Village of Chatham and the Columbia County Department of Health and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of watercourses within or bounding the county.

H. To protect the public health and to prevent nuisances.

§ 83-2 Definitions.

A. Unless the context specifically indicates otherwise, the meanings of terms in this Article shall be as follows:

ACT, THE

The Clean Water Act of 1972, as amended and codified as 33 U.S.C. §1251 *et seq.*

ASTM

The American Society for Testing and Materials.

BOD (denoting "biochemical oxygen demand")

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. [68° F.], expressed in milligrams per liter (mg/l). Measurement shall be as set forth in the latest edition of Standard Methods for the Examination of Water and Waste Water.

BUILDING DRAIN

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet outside of the inner face of the building walls.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal.

CHLORINE DEMAND

The difference between the amount of chlorine added to water, sewage or industrial wastes and the amount of residual chlorine remaining at the end of a twenty-minute contact period at room temperature.

COMBINED SEWER

A sewer designed to receive and transport both surface runoff and sewage.

COMMERCIAL USER

A person or entity operating under a Sanitary Commercial, Retail Food, or Special Commercial usage permit, or whose activities would make them subject to any such permit.

CONTAMINATION

An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

COOLING WATER

The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD or suspended solids in excess of 10 parts per million by weight or toxic substances as limited elsewhere herein.

COUNTY

The County of Columbia, State of New York.

DEPARTMENT OF HEALTH

The Columbia County Department of Health.

GARBAGE

Food wastes from the domestic and commercial preparation, cooking and dispensing of food, including fats, oils, and grease, and from the handling and storage and sale of produce.

HEALTH OFFICER

The duly appointed Commissioner of Health of Columbia County.

INDUSTRIAL FACILITY

Industrial, manufacturing or fabrication facilities, breweries, and facilities that manufacture, produce, or prepare foods on a wholesale basis, which discharge or may discharge into the public sewer any waste other than sanitary waste, or that use or generate cooling or industrial process water.

INDUSTRIAL USER

A person or entity operating under an Industrial usage permit, or whose activities would make them subject to such permit.

INDUSTRIAL WASTES

The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage. Industrial Wastes include fats, oils, and grease generated in the course of commercial food preparation, whether on a retail or wholesale basis, and brewery wastes including but not limited to washwater, mash, and grains.

NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR NYSDEC

The New York State Department of Environmental Conservation or other duly authorized official of said Department.

NORMAL SEWAGE

Sewage, industrial wastes or other wastes which, when analyzed, show by weight the following characteristics:

(1) Biochemical oxygen demand: 2,000 pounds per million gallons [240 milligrams per liter] or less;

(2) Chlorine demand: 208 pounds per million gallons [25 milligrams per liter] or less; or

(3) Suspended solids: 2,500 pounds per million gallons [300 milligrams per liter] or less.

OTHER WASTES

Garbage (shredded or unshredded), refuse, wood, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, cinder, ashes and all other discarded matter not normally present in sewage or industrial wastes.

PERSONS

Any individual, firm, company, association, society, corporation or group contributing directly or indirectly to a village sewer system.

pH

The negative logarithm of the hydrogen ion concentration in moles per liter. It indicates the intensity of acidity and alkalinity of the pH scale running from 0.0 to 14.0. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 represent alkaline conditions, and those below 7.0 represent acid conditions.

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT

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 POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

PROPERLY SHREDDED GARBAGE

Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewer to which it is discharged, with no particle having a dimension greater than 1/2 inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW)

Defined by Section 212 of the Act (33 U.S.C. § 1292); 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.

PUBLIC SEWER

A sewer controlled by a public body.

RECEIVING WATERS

A natural watercourse or body of water into which treated or untreated sewage is discharged.

SANITARY SEWAGE

Sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from stormwater, surface water, industrial wastes and other wastes.

SANITARY SEWER

A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm water as may be inadvertently present. The

admixture of "sewage," as above defined, with industrial wastes or other wastes also shall be considered "sewage" within the meaning of this definition.

SEWAGE SURCHARGE

The demand payment for the use of village sewerage system for handling sewage, industrial wastes or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

SEWER

A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRIAL USER

A user that:

- (1) Has a discharge flow of 25,000 gallons or more per average workday;
- (2) Has a flow greater than 5% of the flow in the municipality's wastewater system;
- (3) Has, in its wastes, toxic pollutants as defined pursuant to Section 307 of the Act (33 U.S.C. § 1317);
- (4) Has been identified as one of the industrial source categories pursuant to Section 307 of the Act (33 U.S.C. § 1316); or
- (5) Is found by the municipality to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

SLUG

Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation.

SPDES

The State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permit authorizing discharges to the waters of the state.

STORM SEWER (STORM DRAIN)

A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters.

SUPERINTENDENT

The duly designated Superintendent of Public Works or, in the case of vacancy in such office or if the Office of Superintendent of Public Works is not established, then the Commissioner of Public Works or, upon resolution of the Village Board of Trustees, such other Village officer or employee of the Department of Public Works as may be designated by such resolution. Any person acting by designation or assignment of the Superintendent pursuant to section 83-10 of this article shall be deemed to be acting in the capacity of the Superintendent.

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by flotation, skimming and sedimentation. Measurement shall be as set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater.

TOXIC SUBSTANCE

Any substance, whether gaseous, liquid or solid, which, when discharged to a public sewer in sufficient quantities, may be hazardous to sewer district personnel, tend to interfere with any biological sewage treatment process to constitute a hazard to human beings or animals, to inhibit aquatic life or to create a hazard to recreation in the receiving waters of the effluent from a sewage treatment plant.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or EPA

The United States Environmental Protection Agency, or, where appropriate, a designation for the Administrator or other duly authorized official of such Agency.

VILLAGE

The Village of Chatham and the lands contained therein.

VILLAGE BOARD

The legally constituted Village Board of the Village of Chatham, County of Columbia, New York.

WATER POLLUTION CONTROL PLANT

Any arrangement of devices and structures used for treating sewage.

WPCF

The Water Pollution Control Federation.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 83-3 Prohibited practices; use of public sewers required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the Village of Chatham or in any area under the jurisdiction of said village, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Village of Chatham or in any area under the jurisdiction of said village any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

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

D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the village, are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of

this Article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

§ 83-4 Private sewage disposal.

A. Where a public sanitary sewer is not available under the provisions of § 83-3D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. Permit required.

(1) No construction of, or connection to, a private sewage disposal system may be commenced, maintained, or continued except in accordance with a private sewage disposal system permit issued by the Superintendent.

(2) Before commencement of construction of a private sewage disposal system or the issuance of a private sewage disposal system permit by the Superintendent, the owner shall first obtain a written permit from the Columbia County Health Department.

C. A Village permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Columbia County Health Department. The applicant shall notify the Columbia County Health Department when the work is ready for final inspection and before any underground portions are covered.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of New York. No septic tank or cesspools shall be permitted to discharge to any natural outlet.

E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this Article and the private sewage disposal system permit issued by the Village shall terminate 90 days after the public sewer becomes available. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean fill by the owner at no expense to the village not later than 60 days after the termination of the private sewage disposal system permit.

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Columbia County Health Department.

§ 83-5 Building sewers and connections.

A. Building connection permit required. No unauthorized person shall uncover, make any connections with or opening into, alter or disturb any public sewer or appurtenance thereof without first obtaining a building sewer connection permit from the Superintendent.

B. There shall be three classes of building sewer connection permits: for (1) one and two-family residential service, (2) multi-family residential, commercial, institutional, or mixed-use service, and (3) service to industrial facilities. In any case, the owner or his agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as set forth from time to time by the Board of Trustees shall be paid to the village at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except that, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Superintendent, to meet all requirements of this Article.

F. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, or its successors, shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the State Building Construction Codes and the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

J. The applicant for the building sewer connection permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

K. All excavations for building sewer installation shall be adequately sheeted and 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 Superintendent.

§ 83-6 Usage Permit system.

A. Sewer usage permit required. No commercial or industrial user shall discharge waste into a public sewer or private sewage disposal system except in accordance with a sewer usage permit issued by the Superintendent.

B. It shall be unlawful for any person to discharge directly or indirectly into public sewers or into any private sewer industrial wastes or other wastes or sewage combined with industrial wastes or other wastes the characteristics of which, at the point of discharge, exceed the concentration limits prescribed for normal sewage under § 83-2 herein, or fall within the categories prohibited under § 83-7 herein, except in accordance with a valid usage permit issued by the Superintendent and upon such terms and conditions as may be established by the Superintendent in the issuance of such a permit.

(1) The maximum time period for a usage permit shall be five years, with provisions for an extension. Terms and conditions of the usage permit may be subject to modification and change by the Village. Proper notification of the changes shall be granted the permittee with a reasonable time schedule for compliance. An industrial discharger shall apply for a usage permit modification if production or process is changed that, in effect, alters the wastewater characteristics in any manner, including quantity of flow.

(2) The usage permit shall not be reassigned, transferred or sold to a new owner or user or for different premises or a new or changed operation.

C. Usage permits shall be of the following four classes:

(1) Sanitary Commercial user: a user that does not generate or use in the course of business any substance enumerated in subdivision C or D of section 83-7, regardless of quantity or concentration, and that ordinarily generates only sanitary sewage. This would generally include users such as non-food retail establishments and professional offices other than medical or dentist offices.

(2) Retail Food Commercial user: a user that involves food preparation for retail or institutional sale or consumption or that generates or may generate fat, oil, grease, and garbage or other food wastes, but no additional wastes enumerated in subdivision C or D of section 83-7, which shall include restaurants, grocery stores, schools, nursing homes, banquet facilities, and other users that prepare foods for sale or consumption on a retail or institutional basis.

(3) Special Commercial user: a non-industrial commercial user that uses, generates or may generate in the course of business any of the wastes enumerated in subdivision C or D of section 83-7, regardless of quantity or concentration, other than fat, oil, grease, garbage and food waste generated in the course of retail food preparation, which shall generally

include but not be limited to salons, funeral homes, laundry facilities, dentist or medical offices, and automobile service or artisanal establishments.

(4) Industrial user: industrial, manufacturing or fabrication facilities, breweries, and facilities that manufacture, produce, or prepare foods on a wholesale basis, which discharge or may discharge into the public sewer any waste other than sanitary waste, or that use or generate cooling or industrial process water.

D. Applications for usage permits shall be submitted on forms provided by the Village accompanied by such supporting documentation as may be required.

(1) An applicant for a Sanitary Commercial user permit shall provide such information as the Superintendent reasonably finds to be relevant in order to determine the user's eligibility for such permit.

(2) An applicant for a Retail Food Commercial user permit shall provide the following:

(a) A plot of the subject property showing accurately all sewers, drains and house connections.

(b) A description of all wastes produced or expected to be produced at said property or premises, including a description of the character of each waste, and identification of any such substances expected to be discharged to the sewer system and the estimated average daily and peak volume to be generated.

(c) Detailed plans showing traps, separators, or interceptors, and other facilities and operating procedures to provide protection from discharge to the sewer system of fat, oil, grease, garbage, or other prohibited or restricted substances.

(d) The name, title, business address, and direct contact information of the person who will be responsible for operating the facilities in accordance with the terms and conditions of the permit.

(e) Such additional information as the Superintendent reasonably finds to be relevant in order to determine the user's eligibility for such permit or to establish appropriate conditions for the issuance of such permit.

(3) An applicant for a Special Commercial user permit shall provide the following:

(a) A plot of the subject property showing accurately all sewers, drains and house connections.

(b) A description of all substances enumerated in subdivision C or subsections D(1) through D(10) of section 83-7, regardless of quantity or concentration, which may be used or generated in the course of business, including a description of the character of each such substance, and identification of any such substances expected to be discharged to the sewer system and the estimated average daily and peak volume to be generated.

(c) Detailed operating procedures and, if necessary, plans showing traps, separators, or interceptors or other facilities, to ensure protection from unauthorized or accidental discharge to the sewer system of any prohibited or restricted substances.

(d) The name, title, business address, and direct contact information of the person who will be responsible for operating the facilities in accordance with the terms and conditions of the permit.

(e) Such additional information as the Superintendent reasonably finds to be relevant in order to determine the user's eligibility for such permit or to establish appropriate conditions for the issuance of such permit.

(4) An applicant for an Industrial user permit shall provide the following:

(a) A plot of the subject property showing accurately all sewers, drains and house connections.

(b) A description of all substances enumerated in subdivision C or subsections D(1) through D(10) of section 83-7, regardless of quantity or concentration, which may be used or generated in the course of business, including a description of the character of each such substance, and identification of any such substances expected to be discharged to the sewer system and the estimated average daily and peak volume to be generated.

(c) A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property or premises, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses.

(d) Detailed operating procedures and plans showing traps, separators, or interceptors, and other facilities to ensure protection from unauthorized or accidental discharge to the sewer system of any prohibited or restricted substances.

(e) The name, title, business address, and direct contact information of the person who will be responsible for operating the facilities in accordance with the terms and conditions of the permit.

(f) Such additional information as the Superintendent reasonably finds to be relevant in order to determine the user's eligibility for such permit or to establish appropriate conditions for the issuance of such permit.

E. In connection with the issuance of any commercial or industrial usage permit, the Superintendent shall establish and impose such conditions as the Superintendent deems to be necessary for the protection of public health, the public sewers, and the POTW. In addition to any other terms and conditions attached to such permit, each usage permit shall state expressly whether traps, separators, or other interceptors are or are not required as a condition of such permit and may set out design requirements or other specifications for any such traps, separators, or

interceptors. A violation of the terms and conditions of a sewer usage permit shall constitute a violation of this Article and subject the violator to all penalties and punishments as may be imposed pursuant to this Article.

(1). Conditions applicable to all public sewer usage permits. The following conditions and requirements are made a part of every public sewer usage permit issued pursuant to this Article and need not be specifically stated or referenced in any issued permit to be effective or applicable, but are in full force with respect to every usage permit.

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

(b) An industrial user shall notify the village immediately upon accidentally discharging wastes in violation of this Article. 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 plant or treatment process or for any fines imposed on the municipality under applicable state and federal regulations.

(c) A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Article. Also, copies of this Article are to be made available to the user's employees.

(d) 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 appropriately label such entry points to warn against discharge of such wastes in violation of this Article.

(e) When pretreatment regulations are adopted by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation for any industry, then that industry must immediately conform to the United States Environmental Protection Agency or the New York State Department of Environmental Conservation timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Village.

(f) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the village or state unless authorized by state or federal regulations.

(g) Where traps, separators, or other interceptors have been required, as a condition of a permit issued to a commercial or industrial user, in order to prevent or mitigate the discharge of fats, oils, grease, sand, or other matter identified in section 83-7 as potentially harmful to the public sewer system or POTW, the permit holder shall maintain them in good working order and shall clean them, or have them cleaned by a qualified vendor, at sufficient frequency so as to ensure continuous effective prevention or mitigation of such discharges. The Superintendent is authorized, whether upon issuance of the usage permit or at any time thereafter, to establish as a condition of the usage permit the frequency of such cleaning and service and to modify such frequency as may, in the judgment of the Superintendent, be consistent with the purposes of this Article. The permit holder shall retain a log of all cleaning and maintenance, including documentation and evidence of service from any vendor performing such work, which log and documentation shall be retained for a period of at least three years from the date of service. The permit holder shall grant access to the Superintendent for inspection of such traps, separators, interceptors, logs and documentation of service upon one business day's notice from the Superintendent and denial of such access shall be deemed a violation of the maintenance obligations of this subsection. Failure to remediate a violation of this subsection within 10 days of service of a Notice of Violation shall constitute a second violation.

(h) The permit holder remains at all times responsible for compliance with all discharge limits, restrictions, and prohibitions as set out within this Article. If discharge of wastes into the public sewer or POTW is found to be in violation thereof, the permit holder shall, at the permit holder's expense, install or modify such traps, separators, interceptors, or other devices, equipment, or systems as will bring such discharge into compliance with this Article, notwithstanding that the user is operating pursuant to a usage permit or that the Superintendent may have specified or approved in connection therewith the permit holder's installation of traps, separators, interceptors, or other devices, equipment, or systems.

(i) A violation by the permittee of the permit shall be cause for revocation or suspension of the permit.

(2) In addition to the above standard conditions, terms and conditions as may be required and imposed by the Superintendent in the issuance of the permit are as follows:

(a) A limitation upon the volume of sewage and the rate of flow permitted from the premises.

(b) The installation and maintenance by the permittee, at his own expense, of facilities or equipment for intermittent or continuous measurement of sewage, industrial wastes or other wastes discharged from the premises into a public sewer.

(c) The installation and maintenance by the permittee, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of

discharge of sewage to such a percentage of the twenty-four-hour rate as may be required by the Superintendent.

(d) The installation and maintenance by the permittee, at his own expense, of such preliminary treatment facilities as may be required by the Superintendent.

(e) The installation and maintenance by the permittee, at his own expense, of a suitable control or sampling manhole or manholes in any sewer discharging to a public sewer for which a permit is issued.

(f) The installation and maintenance by the permittee, at his own expense, of grease, oil and sand interceptors, separators or traps that, in the judgment of the Superintendent, are necessary for the proper handling of liquid wastes containing such substance in excessive quantities or any flammable waste or other harmful ingredients. The type, capacity, design and installation of any such devices shall conform to such specifications and design standards as may be adopted or promulgated by the Superintendent.

(g) The submission to and approval by the Superintendent of the plans for any of the facilities or equipment required to be installed and maintained by the permittee.

(h) Such terms and conditions may also provide that subsequent to the commencement of operation of any preliminary treatment facilities, periodic reports shall be made by the permittee to the Superintendent setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes after treatment may be determined.

(i) Such other terms and conditions as may be necessary to protect public health, the sewer system and the POTW, and to carry out the intent and provisions of this Article.

§ 83-7 Prohibited discharges.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Any combined sewers shall become separated.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet after the discharger has obtained approvals and permits from federal and state agencies.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, kerosene, fuel oil or motor oil, turpentine, oil-based paint, sealant, or finish, petroleum-based solvent or liquid, or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5 or having a pH higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or otherwise endanger life, limb or public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the water pollution control plant and other pertinent factors. The substances prohibited in the first instance but subject to review by the Superintendent are:

(1) Any liquid or vapor having a temperature higher than 150° F. [65° C.] or in such quantities that the temperature at the treatment works influent exceeds 40° C. [104° F.] unless the works is designated to accommodate such heat.

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter.

(3) Any water or waste containing fats, wax, grease, oils, or other substances which may solidify or become viscous at temperatures between 32° and 150° F.

(4) Any water or waste generated by industrial process or commercial food preparation containing fats, wax, grease, or oils, or brewery washwater, mash, or grains.

(5) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent. Not more than 30% of ground garbage, on the dry basis, shall pass a No. 40 United States Standard sieve. Garbage grinders shall not be used for disposal of:

(a) Plastic, paper products, inert materials or garden refuse.

(b) Wastes generated in preparation of food not normally consumed on the premises.

(6) Any waters or wastes containing strong-acid ironpickling wastes or concentrated plating solutions, whether neutralized or not.

(7) Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances unless their concentration is reduced to a point that will not adversely affect any of the biochemical, chemical or other sewage treatment processes. The concentration in sewage of any of the toxic substances shall not exceed the concentrations judged by the Superintendent to be toxic to biological sewage treatment processes or to the biota of the receiving waters.

(8) Any water or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the village 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.

(9) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state and federal regulations.

(10) Materials which exert or cause:

(a) Unusual concentration of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(b) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(11) 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 village sewage treatment plant or to exceed the limitation set forth in a categorical pretreatment standard. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage and include, but are not limited to, any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C. § 1317). If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration by the Superintendent. Refer to Appendix A.^[1]

[1]Editor's Note: Appendix A is included at the end of this chapter.

(12) 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 which may interfere with the reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act and criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act of 1965, as amended (42 U.S.C. 6901 et seq.), the Clean Air Act as amended (42 U.S.C. § 7401 et seq.), the Toxic Substance Control Act as amended (15 U.S.C. § 2601 et seq.) or state criteria applicable to the sludge management method being used.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subdivision D of section 83-7 herein and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

§ 83-8 Controls, sampling, and testing.

A. Sampling and testing wastes. Whenever sewage, industrial wastes or other wastes having characteristics other than prescribed for normal sewage as defined in § 83-2 herein or falling within the categories of waste prohibited from public sewer pursuant to this Article is discharged into public sewers from any premises, the Superintendent shall have the right to take samples and tests as may be necessary to determine the nature and concentration of such wastes and shall have the right to reassess his determination by taking samples and tests at any time or by periodic rechecks without notice to the person discharging such wastes.

- (1) Samples shall be taken and flow measurements made normally at the control manhole or manholes.

(2) In the event that the requirement for a control manhole or manholes has been specifically waived, the samples shall be taken at a point or points to be selected by the Superintendent.

B. Control manholes. When required by the Superintendent and/or operator or classified as a significant industrial user, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such meters and other appurtenances in the building sewer as are necessary to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

C. Measurement and analyses of wastes. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest suitable one downstream in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

D. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unused strength or character may be accepted by the village for treatment, subject to payment therefor, by the industrial concern. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by United States Environmental Protection Agency or the New York State Department of Environmental Conservation.

§ 83-9 Interference with or damage to system.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Village of Chatham sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of criminal tampering.

§ 83-10 Powers and authority of Superintendent and inspectors.

A. The Superintendent may, in order to carry out the purposes of this chapter, assign any and all powers of inspection and review granted to the Superintendent by this chapter to one or more officers, employees, or departments of the Village of Chatham.

B. The Superintendent, representatives of New York State Department of Environmental Conservation and the United States Environmental Protection Agency or other duly authorized officer or employee of the Village and/or of the county bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing the quantity and quality of waste discharges to the sewers or waterways or facilities for waste treatment in accordance with the provisions of this Article.

C. The Village or representatives of the New York State Department of Environmental Conservation and the United States Environmental Protection Agency may, at reasonable times, have access to and copy any records, inspect any monitoring equipment or method required by wastewater discharge permits or Village local law 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 its security guards so that, upon presentation of suitable identification, personnel from the Village will be permitted to enter without delay.

D. While performing the necessary work on private properties referred to in Subsections A and B above, the Superintendent or the duly authorized representatives shall observe all safety rules applicable to the premises established by the company.

E. Refusal to permit the entry upon private lands required to perform the necessary work referred to in Subsections A and B above shall be punishable by such penalties as may be prescribed under §§ 83-11 and 83-12.

F. The Superintendent, representatives of New York State Department of Environmental Conservation or the United States Environmental Protection Agency and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

G. The Village is authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this Article or the wastewater discharge permit to:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the village; or
- (3) Take appropriate remedial or preventive action in the event of a threatened violation.

§ 83-11 Penalties for offenses.

A. Upon a determination by the Superintendent or the Village Code Enforcement Officer that a user has committed a violation of this Article, the Village Code Enforcement Officer shall serve a Notice of Violation upon the violating party which shall identify the violation or violations and state any fines to be assessed in connection therewith pursuant to this Article. Such notice shall also state the time period within which such violation must be corrected, and any violation not corrected within such time period shall be deemed a new and separate violation. If no such time period is specified, failure to correct such violation within 10 days shall constitute a new and separate violation.

B. A violation by a Commercial or Industrial user of the provisions of this Article is an offense, and each such violation may be punished as follows:

(1) In the case of a violation of this Article by a Commercial or Industrial user, including failure to maintain traps, separators, or other interceptors of potentially harmful substances, the first such violation in a calendar year shall be punishable by a fine of \$250; the second violation occurring in the same calendar year shall be punishable by a fine of \$500, and a third and any further violation of such subdivision occurring in the same calendar year shall be punishable by a fine of \$1,000 and a termination of the sewer usage permit. These fines shall be in addition to any other penalty or remedy authorized under this section.

(2) Any user that commits a total of four violations during a period of two consecutive calendar years shall, in addition to being subject to applicable fines, have its sewer usage permit revoked.

C. A violation by a residential user of the provisions of this Article is an offense, and each such violation may be punished by a fine of not exceeding \$250.

D. In lieu of, or in addition to, any fine imposed pursuant to this article, each violation shall be subject to a civil penalty not exceeding \$500, to be recovered in an action or proceeding brought by the Village in a court of competent jurisdiction. A violation not corrected or remediated within the time period required by the notice of violation or by the provisions of this article shall be deemed a new and separate violation and subject to a separate such fine, civil penalty or both.

E. The Village may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with these rules and regulations or restrain by injunction any violation of these rules and regulations, notwithstanding any other provision within this Article for a penalty or other punishment.

F. Where any violation of this Article causes expenses to the Village, such violation may also be punished by a civil suit against the violator, brought in the name of the Village in a court of competent jurisdiction, to recover such additional cost.

G. Any person who knowingly makes any false statements, 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 Article shall be punished by a fine of not more than \$1,000 or imprisonment for a period of not exceeding 15 days for each such offense, or by both such fine and imprisonment.

§ 83-12 Revocation of permit or termination of service.

Notwithstanding the provisions of section 83-11 of this Article, the village may immediately revoke or suspend any sewer usage permit or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this Article is found to exist which causes or threatens to cause a condition of contamination or pollution or damage to or impairment of the public sewer or POTW.

§ 83-13 Provisional User Permit

A. A user that has had a commercial or industrial sewer user permit terminated or revoked may apply for a one-year provisional user permit upon posting of a security bond in an amount to be determined by the Village Board of Trustees, in an amount not less than three thousand five hundred dollars (\$3,500) and not more than ten thousand dollars. A first violation of this Article while operating under a provisional permit shall be punished by a fine of one thousand dollars (\$1,000). A second violation of this Article while operating under a provisional permit will result in a fine of two thousand five hundred dollars (\$2,500) and termination of the provisional permit. Nothing in this subsection shall prevent the Village from also exercising any other remedy or punishment authorized in this Article, including recovery of expenses caused by a violation of this Article or immediately revoking or terminating service in accordance with section 83-12 in the case of violations that pose a hazard to public health or to the sewer system or POTW.

B. A user that commits a single violation during the one-year term of a provisional permit may, after paying all applicable fines, penalties, and charges, apply for a renewal provisional permit.

C. A user that operates under a provisional permit for a period of one year without violation may apply for a regular user permit under section 83-6.

§ 83-14 Arbitration of differences.

The Village Board shall be arbitrators of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this Article by the Superintendent, provided, however, that if the Superintendent is a member of the Village Board, such person shall recuse and not act in the role of arbitrator. A decision or determination by the Superintendent shall not be overturned except by an affirmative vote by a majority of the total membership of the Village Board.

§ 3. Enacting authority.

This Local Law is authorized by the New York Municipal Home Rule Law, the Statute of Local Governments, section 4-412 and other relevant provisions of the Village Law of the State of New York, the laws of the Village of Chatham and the general police power vested with the Village of

Chatham to promote the health, safety and welfare of all residents and property owners in the Village.

§ 9. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

§ 10. Effective Date.

This law shall become effective upon filing with the Secretary of State.