
TOWN OF COBLESKILL
SEWER DISTRICT

RULES AND REGULATIONS

Adopted _____ 2014

Town of Cobleskill
PO Box 327
378 Mineral Springs Road, Ste 5
Cobleskill, NY 12043
Phone: 518-234-1719

Town of Cobleskill Sewer District

Sewer Use Law

Introduction

The purpose of this local law is to regulate the operation and maintenance of the Town of Cobleskill Sewer District No. 1 and any future extensions. Wastewater collected in the Town system discharges into the Village collection system for subsequent treatment at the Village Wastewater Treatment Plant.

The Village and Town of Cobleskill have entered into an intermunicipal agreement which stipulates among other things that the Village will oversee day to day operations, maintenance and administrative matters of the Town sewer district and future extensions. As part of this agreement, the Town has agreed to follow the rules and regulations of the Village Sewer Code. The purpose of this Town local law is to incorporate and reference the Chapter 118, Sewer, of the Village of Cobleskill Code, into the Town Sewer Regulations. Portions of Section 118, Sewers, of the Village Code are herein modified as specified below.

Delete Section 118-4 of the Village Code in its entirety and replace with the following:

118-4 Connection to Public Sewer Required.

(b) Once the Town Sewer District No. 1 becomes operational, commercial properties will be required to connect to the sewer system within 18 months after official notice to do so, provided that said public sewer main is adjacent to the property in the service area and a street lateral has been extended to the property line. Residential properties will have the option of connecting to the system at the property owners' discretion.

As future development occurs within the District including all houses, building, properties used for human occupancy, employment, recreation, or other purposes, situated within the service area, and abutting on any street, alley, right-of-way, or easement in which there is now located a public sewer system, is hereby required, at the owner's expense, to install suitable facilities therein, and to connect such facilities directly to the water system, in accordance with the provisions of these rules and regulations.

Add Section C to 118-6 of the Village Code as follows:

118-6 Permit required; application; fees; costs.

C. The Village sewer tap permit fee for existing residential units in the Town Sewer District No. 1 shall not be required to pay the Village sewer tap permit fee. Commercial units shall be charged a sewer tap permit fee as stipulated in the current Village of Cobleskill fee schedule. The sewer tap permit fee shall be waived for commercial units that obtain their permit and make the connection within eighteen (18) months of the Town Sewer District startup. It is mandatory for commercial units to connect into the Town Sewer District within two (2) years of startup.

Add Section Q to 118-7 of the Village Code pertaining to grinder pumps as follows:

118-7 General Regulation.

Q. Grinder Pumps - In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Board or its duly authorized agent.

Town of Cobleskill Sewer District Sewer Use Law

In the event that a user requires the use of a grinder pump to discharge sewage to the district collection system the property owner shall assume ownership and shall be responsible for providing, installing, using, operating, maintaining, servicing, repairing and replacing their grinder pump unit, including electrical equipment, pressure laterals and all other appurtenances to the connection point with the common collection sewer (pressure or gravity) of the sewer district as well as power costs to operate the pump in accordance with these regulations.

Pressure sewer pipe from 1¼ inches through 3-inches shall be SDR 21 PVC or SDR 11 HDPE pipe and shall be manufactured per the appropriate ASTM designation, or as approved by the superintendent. All pressure sewer pipe from 4-inch through 12-inch shall be manufactured to conform to SDR 21 PVC, SDR 11 HDPE pipe or as approved by the superintendent.

For residential units, low-pressure grinder pumps shall be manufactured by Environmental One DH071, or equal. The unit shall consist of a grinder pump, simplex sentry alarm panel, level controls, anti-siphon valve, check valve and 70-gallon high-density polyethylene tank. The unit shall be equipped with an electrical quick disconnect plug, a discharge line shut-off valve and a quick disconnect assembly. The alarm/disconnect panel shall contain circuit breakers, an audible and visual alarm transfer switch.

and the Mayor, as appeals officer, together with the location where records can be seen and copied shall be posted in a conspicuous location wherever records are kept and/or published in the village's official newspaper.

Chapter 118, SEWERS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water -- See Ch. 154.

ARTICLE I, Sewer Connections[Adopted 12-1-1980 as L.L. No. 1-1980]

§ 118-1 Purpose.

The purpose of these rules and regulations are specifically stated as follows:

- A. To prohibit excessive volume and/or inordinate rates of flow of sewage and wastes into the Village system and all sewers tributary thereto.
- 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 impair the hydraulic capacity, operation of the intercepting sewers, force mains, pumping stations sewage regulators and other structures and appurtenances of the Village system and sewers tributary thereto.
- D. To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the water pollution control plant as it now exists or may be constructed, modified or improved in the future.
- E. To prohibit and/or 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 pretreatment or flow control, before introduction into the Village sewerage system or sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structures appurtenant to the system or may interfere with the normal treatment processes or may impair the designated uses of the classified receiving waters.
- G. To provide cooperation with 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.

§ 118-2 Definitions and word usage.

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

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., expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

BOARD -- The duly elected Board of Trustees of the Village of Cobleskill or its authorized deputy, agent or representative.

BUILDER -- Any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

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

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

COMBINED SEWER -- A sewer receiving both surface runoff and sewage.

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.

CONTRACTOR -- Any person, firm or corporation approved by the Board to do work in the Village.

COUNTY -- The County of Schoharie.

DEVELOPER -- Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

ENGINEER -- The professional engineer retained by the Village of Cobleskill.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES -- The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NYSDEC -- New York State Department of Environmental Conservation.

NATURAL OUTLET -- Any sewer outlet that would ultimately reach a watercourse, pond, ditch, lake or other body of surface or ground water.

OWNER -- Any individual, firm, company, corporation, association, society, person or group having title to real property.

PERSON -- Any individual, firm, company, association, society, corporation or group.

PH -- The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

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 pollutants, the elimination of pollutants or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes, by 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 -- The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PROPERTY LINE -- Boundary of the street if the building sewer is to connect with the public sewer in a public street. "Property line" shall mean the edge of a permanent sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

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 present.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage; also known as "water pollution control plant" and/or "publicly owned treatment works (POTW)."

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

STANDARD DIMENSION RATIO (SDR) -- The ratio of the nominal diameter to the wall thickness of a pipe.

STANDARD METHODS -- The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STATE PLUMBING CODE -- The New York State Uniform Fire Prevention and Building Code applicable to plumbing, including all amendments. [Amended 3-18-1996 by L.L. No. 2-1996]

STORM SEWER OR STORM DRAIN -- A pipe or conduit which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes.

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 laboratory filtering. The laboratory determination shall be made in accordance with standard methods.

TRAP -- A device, fitting or assembly of fittings installed in the building drain to prevent sewer gases from entering and circulating through the building drainage system inside the building.

USEPA -- The United States Environmental Protection Agency.

VENT -- That part of a plumbing system consisting of piping installed to permit adequate circulation of air in all parts of the building sanitary drainage system and to prevent trap siphonage and back pressure.

VILLAGE -- The Village of Cobleskill, Schoharie County, New York.

WATERCOURSE -- A channel in which a flow of water occurs, either continuously or intermittently.

B. As used in this chapter, shall is mandatory and may is permissive.

§ 118-3 Unlawful acts.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village or in any area under the jurisdiction of said Village any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the Board to an owner or lessee acting in the normal course of farm or garden operations but only after specific application by such owner or lessee and upon such conditions as the Village Board may impose.
- B. It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Village or in any area under the jurisdiction of the Village any sewage, industrial wastes or other polluted waters. Use of separate storm sewers and sanitary sewers is mandatory for all future construction in the Village. No combined sewers will be allowed to be constructed in the future.
- 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.

§ 118-4 Connection to public sewers required.

The owner of any real property which generates sewage and which abuts on any street or right-of-way in which a public sanitary sewer is located is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within three months after the date of official notice to do so, provided that said public sewer is located within 300 feet of the property line. Nothing in this section shall be construed to prevent connection by properties not hereby required to become connected.

§ 118-5 Private sewage disposal.

- A. Where a public sewer system is not available, a private sewage disposal system may be used and shall conform to the requirements of the Schoharie County Health Department and the requirement of the New York State Department of Environmental Conservation dealing with septic tank installations. Prior to construction of any private sewage disposal system, a permit must be obtained from the Village.
- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 118-4, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- C. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Environmental Conservation or Schoharie County Health Department.

§ 118-6 Permit required; application; fees; costs.

- A. No 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 Board or its duly authorized agent.
- B. There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. A permit, tap-in and inspection fee shall be paid to the Village Clerk at the time an application is filed for a connection to an existing public sewer lateral at the property line. The amount of this fee shall be set by the Village Board and may be changed from time to time at the discretion of the Board. Where no public sewer lateral exists, the Village or its duly authorized agent will install a wye in the existing public sewer and extend a public sewer lateral to the property line for connection and the applicant will be charged for this work at cost in addition to the permit, tap-in and inspection fee.

§ 118-7 General regulations.

- A. 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.
- B. Existing building sewers may be used in connection with a new building only when they are found, on examination and test by the Board or its duly authorized agent, to meet all requirements of this Article.
- C. The building sewer shall be tar-coated, extra heavy cast iron soil pipe conforming to ASTM Specification A74 or polyvinyl chloride (PVC) pipe conforming to ASTM D-3034 providing a minimum SDR of 35 and a minimum pipe stiffness of 46 at five-percent deflection (Schedule 40 PVC pipe) or asbestos-cement pipe conforming to ASTM Specification C-428. Joints shall be tight and waterproof.
- D. The size and slope of the building sewer shall be subject to the approval of the Board or its duly authorized agent, but in no event shall the diameter be less than four inches, nor shall the slope of the pipe be less than 1/4 inch per foot unless permission is granted by the Board. In any case, the slope of the pipe shall not be less than 1/8 inch per foot.
- E. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper,

plug or other approved means.

- F. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.
- G. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Board. Pipelaying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12, except that no backfill shall be placed until the work has been inspected by the Board.
- H. Joints.

- (1) All joints and connections shall be made gastight and watertight. No cement joints will be permitted. No paint, varnish or other coatings shall be permitted on the joining material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe material shall be made with special adapters and joint materials approved by the Board.

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

- I. The connection of the building sewer into a public sewer shall be made at the location of the lateral connection provided by the Village or directly to the sanitary sewer as directed by the Board in individual circumstances. The owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Board.

- J. Inspection.

- (1) The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board.

- (2) When trenches are opened for the laying of building sewer pipes, such installations shall be inspected by the Board before the pipes are covered; and the person performing such work shall notify the Board when the installation of the building sewer is completed. The covering of a pipe before inspection is made will subject the person to whom a permit is issued to penalties under § 118-16 of this Article and the installation will not be approved for use until it is uncovered and inspected by the Board.

- K. All excavations for building sewer 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 Board.

- L. When any building sewer is to serve a school, hospital or similar institution or public building or is to serve a complex of industrial or commercial buildings or which, in the opinion of the Board, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Board shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Board. If required, a new manhole shall be installed in the public sewer pursuant to § 118-8D and the building sewer connection made thereto as directed by the Board.
- M. There shall be installed an accessible cleanout on the building sewer. The cleanout shall have a watertight center sunk brass plug or its equivalent.
- N. No public or private building, dwelling or store will be permitted to make any connection whatsoever to a sanitary sewer system unless the same has a soil line extended to a point above the roof and properly vented or otherwise vented in a manner approved by the Sewer Superintendent.
- O. Grease traps must be installed for restaurants, hotels, buildings with commercial kitchens or whenever the Village Board or its duly authorized agent may direct. Grease traps must be kept clean at all times at the owner's expense. The size and design of the grease trap shall be approved by the Sewer Superintendent. Grease traps should not be preceded by garbage grinder or disposal units. [Amended 3-18-2002 by L.L. No. 4-2002]
- P. After completion of lateral building sewer connection to the public sewer system in accordance with these regulations, the property owner shall be responsible for subsequent repairs of the building lateral to the curblineline of the public street. If no curb is present, the curblineline shall be defined as the edge of pavement. The Village shall be responsible for repairs beyond that point. [Added 12-18-2007 by L.L. No. 15-2007]

§ 118-8 Sewer extensions.

- A. All extensions to the sanitary sewer system owned and maintained by the Village shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the New York State Department of Environmental Conservation or County Health Department before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
- B. Sewer extensions, including individual building sewers from the public sewer to the property line, may be constructed by the Board under public contract if, in the opinion of the Board, the number of properties to be served by such extension warrants its costs. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of §§ 118-6 and 118-7. Property owners may propose sewer extensions within the Village by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Board. The cost of such extensions may be assessed to the benefited property owners pursuant to applicable law.

- C. If the Board does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved in accordance with the requirements of Subsection A. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required, and the inspection fees shall be paid. Design of sewers shall be as specified in Subsection D. The installation of the sewer extension must be subject to periodic inspection by the Engineer, and the expenses for this inspection shall be paid for by the owner, builder or developer. The Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Subsection E before it is to be used.
- D. Main line sewer design.
- (1) Main line sewer design shall be in accordance with the following provisions:
 - (a) Pipe material shall be asbestos-cement conforming to ASTM Specification C-428, Type II; or polyvinyl chloride pipe conforming to ASTM Specification D-3034.
 - (b) Minimum internal pipe diameter shall be eight inches.
 - (c) Joints for each type of pipe shall be designed and manufactured such that O-ring gaskets of the "slip on" type are employed.
 - (d) Gaskets shall be continuous, solid neoprene and shall provide a positive compression seal in the assembled joint such that the requirements of Subsection E are met.
 - (e) Wye branch fittings shall be installed for connection to building sewers in accordance with § 118-7A.
 - (2) Pipe thicknesses and field strengths shall be calculated using the following criteria:
 - (a) Safety factor: 1.5.
 - (b) Load factor: 1.5.
 - (c) Weight of soil: 120 pounds per cubic foot.
 - (d) Wheel loading: 16,000 pounds.
 - (3) The transition width shall be used in conjunction with the above to compute pipe class for asbestos cement pipe. Polyvinyl chloride pipe shall have wall thicknesses equal to or greater than those provided by an SDR of 35.
 - (4) Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, Design and Construction of Sanitary and Storm Sewers.
 - (5) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall have a precast minimum four-foot-diameter concrete manhole barrel section with an eccentric tapered top section and a base section as specified by ASTM C-478. All manhole bench walls shall be finished and smoothed and not left in a coarse condition. The manhole frame and cover shall be the standard design of the Village and shall be set with no fewer than two courses, or equal, and no more than four courses, or equal, of brick underneath to allow for later adjustment in elevation. All joints shall be sealed with O-rings against infiltration. [Amended 5-6-2003 by L.L. No. 6-2003]

E. Exfiltration testing.

- (1) All sewer extensions shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Board. This test consists of filling the pipe with water to provide a head of at least five feet above the top of the pipe or five feet above groundwater, whichever is higher, at the highest point of the pipeline under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least 24 hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end or in one of the sewer manholes available for convenient measuring.
- (2) When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested by exfiltration at any one time may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period wherein the measurements are taken shall not be less than two hours in either type of test.
- (3) The total leakage of any section tested shall not exceed the rate of 20 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of forty-eight-inch diameter pipe, five feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for forty-eight-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.
- (4) Other forms of sewer testing may be permitted subject to the approval of the Engineer and NYSDEC Standards.

F. All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the Village and shall thereafter be maintained by the Village. Said sewers shall be televised at the owner's, builder's or developer's expense, and, after their acceptance by the Village, shall be guaranteed against defects in materials or workmanship for 12 months. The guaranty shall be in a form provided for by the Village. At the sole discretion of the Village, a completion bond or other security may be demanded as part of the guaranty. [Amended 5-6-2003 by L.L. No. 6-2003]

G. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Village unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers. Approval shall be by the Schoharie County Health Department.

§ 118-9 Discharge restrictions.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a watercourse approved by the Board. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Board, the NYSDEC and the USEPA to a storm sewer or natural outlet.
- C. 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° (65° C.) or in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.) unless the works are designed to accommodate such heat.
 - (2) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° and 150° F. (0° and 65° C.).
 - (3) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average concentration of 100 milligrams per liter (mg/liter) of insoluble matter.
 - (4) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or Requirements. It shall be unlawful to contribute the following substances to any POTW:
 - (a) 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 5% nor any single reading over 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 Village, the state or EPA has notified the user is a fire hazard or a hazard to the system.
 - (b) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any water motor or the contents of any privy vault, septic tank or cesspool or the discharge or effluent from any air-conditioning machine or refrigeration unit. Nothing contained within this subsection shall preclude the Village Board from establishing rules and regulations which may provide for such discharges into the system at or near the Village's sewer treatment plant on such terms and at such costs as the Village Board may determine, provided that such discharges comply with the spirit of this article and protect the integrity of the sewer system. [Added 6-21-1993 by L.L. No. 1-1993]

- (5) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide, 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 shredded, including:
 - (a) Plastic, paper products, inert materials or garden refuse.
 - (b) Wastes generated in preparation of food not normally consumed on the premises.
- (7) Any grease, ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, whole blood, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewage works.
- (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 works. Free acids and alkalis must be neutralized at all times within a permissible pH range of 5.5 to 9.5.
- (9) Any cyanides, in excess of 0.2 milligrams per liter by weight as CN.
- (10) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with state or federal regulations.
- (11) Any waters or wastes that for a duration of 15 minutes have a concentration greater than five times that of normal sewage as measured by suspended solids and BOD and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

Constituents	Permissible Range (milligrams per liter)
Suspended solids	180 to 350
BOD	140 to 300
Chlorine requirements	5 to 20

- (12) Any stormwater, roof drains, springwater, cistern or tank overflow, footing drain, discharge from any water motor or the contents of any privy vault, septic tank or cesspool or the discharge or effluent from any air conditioning machine or refrigeration unit.
- (13) Toxic substances.
 - (a) 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 any sewage treatment facility

to which the Village's sewage collection system is tributary. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage. If concentrations listed are exceeded, individual establishments will be subject to control by the Board in volume and concentration of wastes discharged.

Limits of Toxic Substances in Sewage

Parameter	Effluent Concentration Limit (mg/l) 30-Day Average (Water Quality Limiting)
Cadmium	0.4
Hexavalent chromium	0.2
Total chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available chlorine	50.0
Cyanide, free	0.4
Cyanide, complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides to fresh water	4.0
Phenol	4.0

(b) The above limits shall be superseded when new limits are established by the

NYSDEC or USEPA.

- (14) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent 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.
 - (15) Any discoloration such as, but not limited to, dyes, inks, and vegetable tanning solutions or any other condition in the quality of treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met.
 - (16) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges 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. 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, 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.
- D. Modification of limitations. [Added 7-15-2002 by L.L. No. 7-2002]
- (1) Limitations on wastewater strength or mass discharge contained in this article may be supplemented with more stringent limitations when, in the opinion of the Wastewater Superintendent:
 - (a) The limitations in this article are not sufficient to protect the publicly owned treatment works (POTW);
 - (b) The limitations in this article are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW SPDES permit;
 - (c) The POTW sludge will be rendered unacceptable for disposal or reuse as the Village desires, as a result of discharge of wastewaters at the above-prescribed concentration limitations;
 - (d) Municipal employees or the public will be endangered; or
 - (e) Air pollution and/or groundwater pollution will be caused.
 - (2) The limitations on wastewater strength or mass discharge shall be recalculated at least once every five years. The results of these calculations shall be reported to the Village Board. This article shall then be amended appropriately. Any issued industrial wastewater discharge permits with limitations that are based directly on any limitations which were changed shall be revised and amended, as appropriate.
- E. Access to user's records. The Superintendent shall have the authority to copy any record related to wastewater discharges to the POTW. [Added 7-15-2002 by L.L. No. 7-2002]
- F. Dilution. Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment

to achieve compliance with a pretreatment standard. Dilution flow shall be considered to be inflow. [Added 7-15-2002 by L.L. No. 7-2002]

- G. Rejection of wastewater. The Village Board may reject a user's wastewater, on recommendation of the Superintendent, when the Superintendent has determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. [Added 7-15-2002 by L.L. No. 7-2002]

§ 118-10 Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer or the Superintendent, 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 or the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Board at any time.
- D. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 milligrams per liter by weight or containing more than 350 milligrams per liter of suspended solids or containing more than 15 milligrams per liter of chlorine demand or containing any quantity of substances having the characteristics described in § 118-9C or having an average daily flow greater than 2% of the average daily sewage flow of the Village shall be subject to the review and approval of the Engineer or the Superintendent. Where necessary, in the opinion of the Engineer or the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter by weight or reduce the chlorine to 15 milligrams per liter or reduce objectionable characteristics or constituents to within the maximum limits provided for in § 118-9C, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer or the Superintendent and of the Department of Environmental Conservation of the State of New York, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer or the Superintendent will constitute a violation of this Article.
- E. Where applicable, users of the public sewer system shall comply with Section 307 (b) of the Federal Water Pollution Control Act Amendments of 1972 or any subsequent

law concerning pretreatment standards.

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

§ 118-11 Discharge permits and pretreatment requirements. [Added 7-15-2002 by L.L. No. 7-2002^{8EN}]

- A. Wastewater discharge reports. Each industrial user shall be required to notify the Superintendent of any new or existing discharges to the POTW by submitting a completed industrial chemical survey (ICS) form and a completed industrial wastewater survey (IWS) form to the Superintendent. The Superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement the reports when the Superintendent deems necessary. The industrial user shall furnish all information in complete cooperation with the Superintendent.
- B. Notification to industrial users. The Superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.
- C. Wastewater discharges. No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the Superintendent. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this article. Violation of a permit term or condition is deemed a violation of this article.
- (1) Wastewater discharge permits required for significant industrial users. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within 30 days after the effective date of this article, and shall obtain such a permit within 90 days after making application.
 - (2) Other industrial users. The Superintendent may issue wastewater discharge permits to other industrial users of the POTW.
 - (3) Discharge permits to storm sewers not authorized. The Village does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.
- D. Application for wastewater discharge permits.
- (1) Industrial users required to obtain a wastewater discharge permit shall complete and file with the Superintendent an application in the form prescribed by the Village. The applicant must include the application fee, as set forth in § 188-20. In an application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:
 - (a) Name, address, and location (if different from the address).
 - (b) SIC code of both the industry and any categorical processes.
 - (c) Wastewater constituents and characteristics, including, but not limited to, those mentioned elsewhere in this article and which are limited in the appropriate categorical standard, as determined by a reliable analytical

laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with Standard Methods.

- (d) Time and duration of the discharge.
- (e) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- (g) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- (h) Each product produced by type, amount, process or processes, and rate of production.
- (i) Type and amount of raw materials processed (average and maximum per day).
- (j) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- (k) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether the standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards.
- (l) If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - [1] The schedule shall contain progress increments by dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
 - [2] No increment referred to in Subsection D(1)(l)[1] above shall exceed nine months, nor shall the total compliance period exceed 18 months.
 - [3] Within 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent, including, as a minimum, whether it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. No more than 9 months shall elapse between such progress reports to the Superintendent.
- (m) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

- (2) The Superintendent will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein.
- E. Permit modifications.
- (1) Wastewater discharge permits may be modified by the Superintendent, upon 30 days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:
 - (a) Promulgation of an applicable National Categorical Pretreatment Standard;
 - (b) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;
 - (c) Changes in general discharge prohibitions and local limits as per § 118-9 of this article;
 - (d) Changes in processes used by the permittee, or changes in discharge volume or character;
 - (e) Changes in design or capability of any part of the POTW;
 - (f) Discovery that the permitted discharge causes or contributes to pass-through or interference; and
 - (g) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.
 - (2) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in § 118-11D(12)(a).
- F. Permit conditions. Wastewater discharge permits shall be expressly subject to all the provisions of this article, and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:
- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
 - (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
 - (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
 - (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
 - (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports.
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Village, and affording the Superintendent access thereto.
 - (9) Requirements for notification of the Village of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
 - (10) Requirements for the notification of the Village of any change in the manufacturing and/or pretreatment process used by the permittee.

- (11) Requirements for notification of excessive, accidental, or slug discharges.
- (12) Other conditions as deemed appropriate by the Village to ensure compliance with this article, and state and federal laws, rules, and regulations.
- G. Permit duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years.
- H. Permit reissuance. The user shall apply for permit to be reissued a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in § 118-11E, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in § 118-11D(1)(l)[1].
- I. Permit transfer. Wastewater discharge permits are issued to a specific User for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.
- J. Permit revocation. Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.
- K. Public notification. The Village will publish in the Village official daily newspaper(s) informal notice of intent to issue a wastewater discharge permit, at least 14 days prior to issuance.
- L. Reporting requirements for permittee.
 - (1) The reports or documents the permittee must submit or maintain under this section shall be subject to:
 - (a) The provisions of 18 USC § 1001 relating to fraud and false statements;
 - (b) The provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
 - (c) The provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.
 - (2) Baseline monitoring report. Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a user subject to that standard shall submit, to the Superintendent, the information required by § 118-11D(1)(h) and (i).
 - (3) Ninety-day compliance report. Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the

applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

- (4) Periodic compliance reports.
 - (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 118-11D. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.
 - (b) The Superintendent may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements, or, in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by § 118-11L(4)(a) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.
- (5) Violation report. If sampling, performed by the user, indicates a violation of this article and/or the user's discharge permit, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user's discharge at least once a month for the parameter that was violated, or if the POTW performs sampling for the parameter that was violated, between the user's initial sampling and when the user receives the results of this sampling.
- (6) Other reports. The Superintendent may impose reporting requirements equivalent to the requirements imposed by § 118-11L(4) for users not subject to pretreatment standards.

M. Flow equalization. No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than 5% of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control

facility to insure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate-of-discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

N. Monitoring stations (control manholes).

- (1) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- (2) If there is more than one street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.
- (3) The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

O. Proper design and maintenance of facilities and monitoring stations. Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization, or monitoring facilities at the time this article is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

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

- (1) Any structure, appurtenance, or equipment which is a part of the Village POTW;
or
- (2) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this article except as approved by the Superintendent.

Q. Sampling and analysis.

- (1) Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.
- (2) All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this article shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in § 118-11N, if such a station exists. If an approved monitoring

station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as flow-proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

R. Accidental discharges; SPCC plan.

- (1) Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this article or of an industrial wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this article or any permit. Such discharges may result from:
 - (a) Breakdown of pretreatment equipment.
 - (b) Accidents caused by mechanical failure, or negligence.
 - (c) Other causes.
- (2) Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- (3) When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:
 - (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

S. Posting notices. To inform the industrial user's employees of the Village requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Village requirements and whom to call in case of an accidental discharge in violation of this article.

- T. Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Village representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols, including any quality control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Village for its own analysis.
- U. Public access to information maintained by the Superintendent.
- (1) When requested, the Superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges, shall not be recognized as confidential.
 - (2) Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this article, or the SPDES permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.
- V. Access to property and records. The Superintendent and other authorized representatives of the Village, representatives of EPA, NYSDEC, NYSDOH, and/or the county health department, bearing proper credentials and identification, shall be permitted to enter upon all nonresidential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with federal and state law governing use of the Village POTW, and with the provisions of this article. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this article. Where a user has security measures in force that would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.
- W. Access to easements. The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Village public sewer system

lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

- X. Liability of property owner. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in § 118-11U, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.
- Y. Special agreements.
- (1) Nothing in this article shall be construed as preventing any special agreement or arrangement between the Village and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Village Board shall consider whether the wastewater will:
 - (a) Pass-through or cause interference;
 - (b) Endanger the public municipal employees;
 - (c) Cause violation of the SPDES permit;
 - (d) Interfere with any purpose stated in § 118-1;
 - (e) Prevent the equitable compensation to the Village for wastewater conveyance and treatment, and sludge management and disposal.
 - (2) No discharge that violates the federal pretreatment standards will be allowed under the terms of such special agreements.
 - (3) No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Village before the agreement is entered into. The Village Board may condition the agreement.

§ 118-12 Manholes.

- A. When required by the Board, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Engineer or 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.
- B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in § § 118-9C and 118-10F shall be determined in accordance with Standard Methods for the Examination of Water and Sewage or

National Pretreatment Standards developed by EPA, 40 CFR 403, including all amendments, upon suitable samples taken at control manhole provided for in Subsection A. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

§ 118-13 Accidental discharge; notification.

- A. 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 Village for review and shall be acceptable to the Village before construction of the facilities.
- 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 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 approximately label such entry points to warn against discharge of such wastes in violation of this article.

§ 118-14 Standards.

- A. 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 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Village.
- B. 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.
- C. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system, and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health

Association. However, alternative methods for the analysis of industrial wastes may be used subject to mutual agreement between the Board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a twenty-four-hour period. However, more frequent and longer periods may be required at the discretion of the Board.

- D. The Village Board may establish by rule or regulation more stringent limitations or requirements discharge to the wastewater disposal system if deemed necessary and desirable to comply with objectives of this article. [Amended 6-21-1993 by L.L. No. 1-1993]

§ 118-15 Protection from damage.

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's sewerage works. Any person violating this provision shall be subject to immediate arrest under applicable provisions of the Penal Law of the State of New York.

§ 118-16 Powers and authority of inspectors.

- A. The Board, the Engineer and their agents and personnel from the NYSDEC and USEPA bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, measurement, sampling and testing. The failure of the owner of real property or the person in possession of real property to admit the Board, the Engineer or their agents or personnel for the NYSDEC and USEPA at reasonable times and upon reasonable notice, considering the gravity and immediacy of the circumstances for which entry is requested, shall constitute presumptive evidence of a violation of this article.
- B. The Village shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Village may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by wastewater discharge permits or Village ordinance 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.

§ 118-17 Authorization to perform sewer system work.

The Board shall authorize plumbers and contractors or other persons to perform sewer system work after they have presented to the Board satisfactory evidence that they are capable of performing sewer system work in a workmanlike manner in accordance with this article. Only individuals so authorized will be allowed to make connections with the Village sewers or lay any sewers in connection therewith. Any person authorized shall give personal attention to any work done under this permit and shall employ only competent persons to do the work. Whenever, in the opinion of the Sewer Superintendent, anyone violates any of the provisions of this article, the Board may revoke the permit of such person.

§ 118-18 Enforcement and penalties for offenses. [Amended 7-15-2002 by L.L. No. 7-2002]

- A. Enforcement response plan. The Superintendent shall prepare an enforcement response plan. The enforcement response plan shall outline the procedures to be followed to identify, document, and respond to violations by users of the POTW. All violations by users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.
- (1) The enforcement response plan shall:
 - (a) Describe how the Superintendent will investigate instances of noncompliance.
 - (b) Describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow-up these actions
 - (c) Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.
 - (2) The enforcement response plan shall contain:
 - (a) Criteria for scheduling periodic inspection and/or sampling visits to POTW users.
 - (b) Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence.
 - (c) Systems to track due dates, compliance schedule milestones, and pending enforcement actions.
 - (d) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.
 - (3) The enforcement actions shall promote consistent and timely use of enforcement remedies. Enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:
 - (a) Magnitude of the violation;
 - (b) Duration of the violation;
 - (c) Effect of the violation on the receiving water;
 - (d) Effect of the violation on the POTW;
 - (e) Effect of the violation on the health and safety of the POTW employees;
 - (f) Compliance history of the user;
 - (g) Good faith of the user.
 - (4) The Village Board shall approve the enforcement response plan by a resolution. The enforcement response plan shall be reviewed at least every five years.
- B. Administrative remedies; notification of violation. Whenever the Superintendent finds that any user has violated or is violating this article, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this article, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days after the Superintendent mails the notice, the user shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention of further violations. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.
- C. Administrative remedies; consent orders. The Superintendent is hereby empowered to

enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order.

D. Administrative or compliance orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this article or a permit, the Superintendent may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (2) The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the order; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may, as part of the show-cause notice, request the user to supply additional information.

E. Administrative fines.

- (1) Notwithstanding any other section of this article, any user who is found to have violated any provision of this article, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
- (2) The user may, within 15 calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the fine; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show-cause notice, request the user to supply additional information.

F. Cease and desist orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this article or any permit or administrative order, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
 - (a) Comply immediately;
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

- (2) The User may, within 15 calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Modify or suspend the order;
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show-cause notice, request the user to supply additional information.

G. Termination of permit.

- (1) Any user who violates the following conditions of this article or a wastewater discharge permit or administrative order, or any applicable or state and federal law, is subject to permit termination:
 - (a) Violation of permit conditions or conditions of an administrative order;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater constituents and characteristics;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - (e) Failure to pay administrative fines, fees or user charges.
- (2) Noncompliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.
- (3) The user may, within 15 calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then order the petitioner to show cause in accordance with § 118-18I and may, as part of the show-cause notice, request the user to supply additional information.

H. Water supply severance.

- (1) Whenever a user has violated or continues to violate the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (2) The user may, within 15 calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in writing and shall be sent to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reconnect the water supply; or
 - (b) Order the petitioner to show cause in accordance with § 118-18I and may as part of the show cause notice request the user to supply additional information.

I. Show cause hearing.

- (1) The Superintendent may order any user appealing administrative remedies for violations of this article to show cause, before the Village Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village Board regarding the violation, the reasons why the action is

- to be taken, the proposed enforcement action, and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with § 118-18K of this article. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.
- (2) The Village Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Village to conduct the hearing. The following powers are then granted to whosoever will conduct the hearing:
 - (a) Issue, in the name of the Village Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
 - (b) Take the evidence;
 - (c) Take sworn testimony;
 - (d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action.
 - (3) After the Village Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.
- J. Failure of user to petition the Superintendent. If the Superintendent issues any administrative order, terminates the user's permit, or makes any fine as set forth in this article, and the user fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this article, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.
- K. Notice. The notices, orders, petitions, or other notification which the user or Superintendent shall desire or be required to give pursuant to any sections of this article shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the user pursuant to the sections of this article shall be mailed to the user where the user's effluent is discharged into transmission lines to the Village's POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Village of Cobleskill offices located at 378 Mineral Springs Road, Cobleskill, New York 12043.
- L. Right to choose multiple remedies. The Superintendent shall have the right, within the Superintendent's sole discretion, to commence any one or more appropriate administrative remedies set forth in this article. In addition, the Superintendent may hold one show-cause hearing combining more than one enforcement action.
- M. Civil actions for penalties.
- (1) Any person who violates any provisions of this article, or who fails to perform any duty imposed by this article, or any administrative order or determination of the Superintendent promulgated under this article, or the terms of any permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing (unless the user

waives the right to a hearing) held in conformance with the procedures set forth in this article. Each violation shall be a separate and distinct violation, and in the case of continuing violation, each day's continuance shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village attorney, or a duly designated attorney, at the request of the Superintendent in the name of the Village in any court of competent jurisdiction, giving preference to courts local to the Village. Additionally, the Superintendent may recover all damages incurred by the Village from any persons or users who violate any provisions of this article, or who fail to perform any duties imposed by this article or any administrative order or determination of the Superintendent promulgated under this article, or the terms of any permit issued hereunder. The Superintendent may recover all reasonable attorney's fees incurred by the Village to enforce the provisions of this article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

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

N. Court orders.

- (1) In addition to the power to assess penalties as set forth in this article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this article, to seek an order:
 - (a) Suspending, revoking, or modifying the violator's wastewater discharge permit; or
 - (b) Enjoining the violator from continuing the violation.
- (2) Any such court order shall be sought in an action brought by the Village Attorney, at the request of the Superintendent, in the name of the Village in any court of competent jurisdiction, giving precedence to courts local to the Village.
- (3) The Village Attorney, at the request of the Superintendent, shall petition the Court to impose, assess, and recover such sums imposed according to this article. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

O. Criminal penalties.

- (1) Any person who willfully violates any provision of this article or any final determination or administrative order of the Superintendent made in accordance with this article shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year, or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

- (2) Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year, or both.
 - (3) No prosecution, under this subsection, shall be instituted until after final disposition of a show-cause hearing, if any, was instituted.
- P. Additional injunctive relief. Whenever a user has violated or continues to violate the provisions of this article or a permit or order issued hereunder, the Superintendent, through counsel, may petition the court, in the name of the Village, to issue a preliminary or permanent injunction, or both (as may be appropriate), to restrain the violation of, or compel the compliance with, any order or determination by the Superintendent.
- Q. Summary abatement.
- (1) Notwithstanding any inconsistent provisions of this article, whenever the Superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this article.
 - (2) If the user is not within the geographic boundaries of the Village, the right of the Supervisor to impose summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement.
 - (3) The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.
- R. Delinquent payments.
- (1) If there shall be any payments which are due to the Village, or any department thereof, pursuant to any article or section of this article, which shall remain due and unpaid, in whole or in part, for a period of 20 calendar days from the date of billing by the Village, the same shall constitute a default, and there shall be added to the entire amount of the original bill a penalty equal to 20% of the

original bill, and interest shall accrue on the unpaid balance, at the rate of 2% per month, retroactive to the date of the original billing.

- (2) If there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least 60 calendar days as of December 15 of any year, the Superintendent shall report the names of the defaulting persons to the Village Supervisor, the Village Clerk, the Village Chief Assessor, and the Village Treasurer on or before December 15 of the same year. The Village Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this article, to the real property taxes due and owing to Village in the next succeeding year, and the Village Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Village are collected.
 - (3) Where charges are delinquent and the violator is not a resident of the Village, or is located outside the geographical boundaries of the Village, then the Village Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the county in the next ensuing year.
- S. Letter of credit. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder unless such user first files with it a letter of credit drawn on or issued from a local bank, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.
- T. Liability insurance. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this article or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
- U. Public notification. The Superintendent shall provide public notification, in the daily newspaper with the largest circulation in the Village, of users that were in significant noncompliance with local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.
- V. Contractor listings.
- (1) Users who have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village.
 - (2) Existing contracts for the sale of goods or services to the Village held by a user found to be in significant violation with pretreatment standards may be terminated at the discretion of the Village Board.

§ 118-19 Amendments.

The Village Board expressly reserves the right at any time to alter, amend or make such addition to this chapter as may be desirable.

ARTICLE II, Sewer Rent Charges[Adopted 8-19-1991 by L.L. No. 7-1991]

§ 118-20 Establishment of sewer rent charges.

The Board of Trustees of the Village of Cobleskill does hereby enact and impose a sewer rent charge upon the owner of each parcel of real property served or required to be served by the Village sewer collector system for the use of such system and sewage treatment plant.

§ 118-21 Rates and charges. [Amended 5-19-1997 by L.L. No. 1-1997; 6-15-1998 by L.L. No. 3-1998^{9EN}; 7-15-2002 by L.L. No. 7-2002]

- A. A sewer rent charge will be imposed at the rate of \$36.80 for the first 5,000 gallons of water charged, or fractional part thereof, and \$7.36 for each 1,000 gallons of water charged, or fractional part thereof, thereafter; provided, however, that high-volume users, defined as a user who is charged for more than 3,000,000 gallons per month for each of the most recent three months, may elect to be charged for actual usage, in which case such user shall cause to be installed at its own cost, pursuant to Village specifications, a flow meter purchased from the Village, and such user thereafter shall be charged a sewer rent charge based on actual metered effluent at the above rates and at a reduced rate of \$4.43 for each 1,000 gallons, or fractional part thereof, in excess of 3,000,000 gallons charged for per month. [Last amended 5-20-2008 by L.L. No. 5-2008^{10EN}]
- B. Surcharge for abnormal sewage. All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.
- C. Total sewer service charge. The amount of any surcharge will be established as set forth by resolution and amended from time to time by resolution by the Village Board of Trustees after consultation with the Sewer Superintendent. Surcharges will be applied above the limitations set forth in § 118-9C(11).
- D. Segmenting the POTW. The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.
- E. Measurement of flow. The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow-measuring devices to measure and record the actual

amount of flow into the POTW. Any water meters and/or flow-measuring devices installed pursuant to this section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow-measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

- F. Billing period. The sewer rent charge shall be due and payable on the last day of March, June, September and December of each year for residential and nonindustrial users. The sewer rent charge shall be due and payable monthly for industrial and high users. If a sewer rent charge is not paid by the due date which shall appear on the bill, resulting in a past due account status, a penalty of 5% of the charge per bill shall be added thereto for each quarter or month, based on the billing cycle, until paid or until said charge becomes a tax lien as provided for in this chapter. [Amended 9-2-2008 by L.L. No. 8-2008]
- G. Pretreatment program costs. The additional charges and fees associated with the operation of the pretreatment program shall be assessed the user, and include:
- (1) Reimbursement of costs of setting up and operating the pretreatment program;
 - (2) Issuing permits;
 - (3) Monitoring, inspections, and surveillance procedures;
 - (4) Costs of equipment and supplies;
 - (5) Reviewing accidental discharge procedures;
 - (6) Construction inspections;
 - (7) Filing appeals.
 - (8) Application for consistent removal status as outlined in 40 CFR 403;
 - (9) Other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the federal government.
- H. Charges for trucked and hauled wastes. The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the Village Board. The manner of determining the volume dumped shall be at the discretion of the Superintendent.
- I. Capital recovery. The Village 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.
- J. Collection of charges. Provisions of § 118-18 of this Law relating to the collection of penalties shall apply to the collection of sewer service charges and abnormal sewage service surcharges, unless where otherwise provided by application of the Sewer Rent Law by Village.
- K. Fiscal year for system. The POTW shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.
- L. Impact fees. The Village Board of Trustees shall have the authority to impose impact fees on new development, which development may:
- (1) Cause enlargement of the service area of the POTW;
 - (2) Cause increased hydraulic and/or treatment demands on the POTW.

M. Use of revenues. Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (1) For the payment of the operation and maintenance, including repair and replacement costs of the Village POTW;
- (2) For the discovery and correction of inflow and infiltration;
- (3) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Village POTW; and
- (4) For the extension, enlargement, replacement of, and/or additions to the Village POTW, including any necessary appurtenances.

N. Records and accounts.

- (1) The Village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Village will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.
- (2) In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.
- (3) Classification of old and new industrial users should also be reviewed annually.
- (4) The Village shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

§ 118-22 Tax lien. [Amended 9-2-2008 by L.L. No. 8-2008]

Any sewer rent charge with penalties thereon which is past due on December 1 of any year shall be levied and charged to the real property tax on such affected parcel, and interest and penalties then shall be charged thereon at the same rate as for unpaid real property taxes. Such levy shall constitute a lien upon such real property prior and superior to any other lien or claim except for the lien of taxes then due.

§ 118-23 Statement of charges.

The Village Clerk shall render a statement of the sewer rent charge due for each property to the owner thereof in the month succeeding the period for which such rent is charged. Such statement may be incorporated with the statement for water charges, but the two charges shall be shown separately thereon. The failure of the Village Clerk to render such a statement or the failure of the property owner to receive such statement shall not affect the duty of the property owner to pay any such charge.

§ 118-24 Rules and regulations. ^{11EN}

The Village Board of Trustees shall have the power to adopt by resolution rules and regulations in connection with the administration of this article.

ARTICLE III, Charges and Fees[Adopted 3-18-1996 by L.L. No. 2-1996]

§ 118-25 Permit required; fee.

A. New construction or first time connection.

- (1) For new construction or first time connection on an existing building to a sewer main, all expenses incurred for labor and tapping shall be the responsibility of the homeowner or contractor.
- (2) Work shall be done by a qualified plumber or contractor.
- (3) A permit must be applied for and paid for before the start of work. Permit fees shall be as follows:
 - (a) For a residential (single-family) dwelling: \$500.
 - (b) For a commercial (multifamily or industry): \$1,000.

B. Repair work on laterals, residential or commercial.

- (1) A permit shall be required for work on laterals, residential property or commercial property and a permit fee must be paid before the start of work. The permit and inspection fee shall be \$20.
- (2) Said work shall be done by a qualified plumber or contractor.

C. If a Village street must be disturbed, a street opening permit is also required. The permit fee shall be determined by the Street Department Superintendent.

Chapter 122, SKATEBOARDS, SKATES AND SCOOTERS

[HISTORY: Adopted by the Board of Trustees of the Village of Cobleskill 8-15-2005 by L.L. No. 6-2005. Amendments noted where applicable.]

GENERAL REFERENCES

- Parks and recreation areas -- See Ch. 104.
Streets and sidewalks -- See Ch. 131.
Vehicles and traffic -- See Ch. 148.

§ 122-1. Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility by regulating the operation of skateboards, scooters, skates and in-line skates in heavily trafficked areas within the Village of Cobleskill.

§ 122-2. Title.

This chapter shall hereafter be known and cited as the "Village of Cobleskill Skate