

VILLAGE OF WHITEHALL

LOCAL LAW NO. 2 OF THE YEAR 2008

A LOCAL LAW PROVIDING FOR USE OF THE WASTEWATER  
COLLECTION AND TREATMENT SYSTEM

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WHITEHALL, NEW YORK, AS FOLLOWS:

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PART I

ARTICLE I

DEFINITIONS

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

- Sec. 1. "Biochemical demand (BOD)" shall mean the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°c. expressed in milligrams per liter.
- Sec. 2. "Board" shall mean the governing Board of the Village (i.e. the Board of Trustees).
- Sec. 3. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system, which receives discharge from soil, waste, and other drainage pipes inside walls of the building and conveys it to the "building sewer" beginning five (5) feet outside the inner face of the building wall.
- Sec. 4. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called "house connection".
- Sec. 5. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Sec. 6. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- Sec. 7. "Engineer" shall mean the Village Engineer, or other person designated to take responsible charge of wastewater facilities of the Village, or his authorized deputy, agent, or representative, within the specific authority established by the Board.
- Sec. 8. "Floatable oil" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and does not interfere with the collection system.

- Sec. 9. "Garbage" shall mean animal and vegetable waste resulting from handling, preparation, cooking, and serving of foods.
- Sec. 10. "Industrial wastes" shall mean wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- Sec. 11. "May" is permissive (see "shall" Sec. 23).
- Sec. 12. "Municipality" shall mean the political entity as set forth in this local law.
- Sec. 13. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 14. "Operator" shall mean the operator of the wastewater treatment plant of the municipality.
- Sec. 15. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 16. "pH" shall mean the reciprocal of the logarithm of hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
- Sec. 17. "Properly shredded garbage" shall mean wastes from the preparation, cooking, and dispensing of food, that has been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no article greater than  $\frac{1}{2}$  inch in any dimension.
- Sec. 18. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- Sec. 19. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Sec. 20. "Sewage" shall mean the spent water of a community. The preferred term is "wastewater", Sec. 28.
- Sec. 21. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- Sec. 22. "Sewer inspector" shall mean any person appointed by the Board to act as the Board's authorized agent in matters falling under this local law and who shall exercise those powers delegated to him by the Board.
- Sec. 23. "Shall" is mandatory (see "may" Sec. 11).
- Sec. 24. "Slug" shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, for any period of duration longer than

fifteen (15) minutes, exceeds more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment works.

- Sec. 25. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Sec. 26. "Suspended solids" shall mean total suspended matter, which either floats on the surface of, or is suspended in, water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", and referred to as nonfilterable residue.
- Sec. 27. "Unpolluted water" shall mean water or quality equal to, or better than, the effluent criteria in effect, or water which would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Sec. 28. "Wastewater" shall mean spent water of a community. From the standpoint of source, it may be a combination of liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- Sec. 29. "Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the United States Code Annotated (33 USC 1292) (the "Act"). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- Sec. 30. "POTW /Treatment Plant" shall mean that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- Sec. 31. "Watercourse" shall mean a natural or artificial channel for passage of water either continuously or intermittently.
- Sec. 32. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.
- Sec. 33. "Industrial User" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual" 1972

edition, as published by the Executive Office of the President and who utilizes the services of the Village's sewer system.

Sec. 34. "Significant Industrial User" shall mean any user who (i) has a discharge flow of 25,000 gallons or more per average work day, or (ii) has a flow greater than 5% of the flow in the municipality's wastewater system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or (iv) has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act or (v) is found by the Village to have significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

- Sec. 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this local law.
- Sec. 3. "No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water."
- Sec. 4. "No person shall discharge sewage into a well."
- Sec. 5. 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 disposal of wastewater.
- Sec. 6. The owners(s) of any house, building or property used for human occupancy, employment, recreation, or other purposes, situated within the municipality and abutting on, or having access to, any street, driveway, walk, passageway, alley, or right of way in which there is now located, or may be located in the future, a public sanitary or combined sewer of the municipality, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer

in accordance with provisions of this local law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Sec. 7. It shall be unlawful for any person to place, deposit, dispose or otherwise discharge into the village sewer system any pollutant or industrial waste except in compliance with Federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWCPAA) and in compliance with any additional requirements of this law and of the laws of the State of New York and of any rules or regulations adopted by any department or agency of the State of New York.

Sec. 8. "No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this law, is available. All housing construction or building development which takes places after this law is enacted shall provide for an approved system of sanitary sewers."

Sec. 9. "The use of the public sewers shall be strictly limited and restricted, except as provided in § 6, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the POTW."

Sec. 10 "At the recommendation of the Engineer, who determines that:

- one or more segments of the POTW is exceeding its hydraulic capacity at any time
- any specific purpose of this Law is being violated

The board shall have the authority to limit or deny new connections to the potw until the conditions leading to the moratorium are corrected. Such correction may be made by:

- construction of new facilities
- enlarging existing facilities
- correction of inflow and infiltration
- cleaning and repairing of existing facilities

Sec. 11. "All requirements, directives, and orders calling for mandatory use of the sewers, within the service area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the board, NYSDEC, USEPA, and/or other such state or federal agencies, which have enforcement powers."

### ARTICLE III

#### PRIVATE WASTEWATER DISPOSAL

- Sec. 1. Where a public sanitary of combined sewer is not available under provisions of Article II, Section 6, the building sewer shall be connected to a private wastewater disposal system complying with provisions of this article.
- Sec. 2. Such private waste water disposal system shall be constructed in conformance with the guidelines for individual sewage disposal systems published by the New York State Department of Health. Design and construction shall be approved by the Village Engineer.
- Sec. 3. Before commencing construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Engineer or other person authorized by the Village Board. Application for such permit shall be on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications, and other information or additional application forms deemed necessary by the Engineer. "A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the town. A fee, established [in this law], shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH – "Standards for Waste Treatment Works", or NYSDEC "Standards for Commercial and Insitutional Facilities", as appropriate."
- Sec. 4. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Engineer. Any official having jurisdiction in the matter is authorized to inspect the work at any stage of construction, without prior notice. In no event shall any underground portions of the work be covered until they have been inspected and approved by the Engineer. The applicant is required to notify the Engineer.
- Sec. 5. Notwithstanding anything hereinbefore contained, the type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the New York State Department of Environmental Conservation and the New York State Department of Health. No provision contained in this Article shall be deemed to bar any additional requirements that may be imposed at any time by the

New York State of Health Department, the New York State Department of Environmental Conservation or any other county or state department having jurisdiction in the matter. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 6. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 5, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this local law, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with sand. "When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal," by a licensed septage hauler.

Sec. 7. "Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently." Discharge of trucked or hauled waste into the village sewer system will only be permitted upon written approval of the Engineer. An application must be completed, which "may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Engineer may require, to determine whether the trucked or hauled wastes could adversely impact the POTW." The fee for such application shall be \$100.

Sec. 7b. Such license, to dispose of hauled or trucked sewage, issued by the Engineer, shall only last for a period of one (1) year. "The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Engineer, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Engineer for willful, continued, or persistent violation thereof."

- Sec. 7c. The Engineer may set the time and location where such dumping shall occur, which shall be set forth on the license. Should the Engineer change these, adequate notice shall be given. Prior to each load, the Engineer may require inspection and/or analysis of the load, of which all costs born by such must be paid by the licensee.
- Sec. 8. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the municipality.
- Sec. 9. "No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field."
- Sec. 10. "The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense."
- Sec. 11. "When the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the municipality, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Engineer, the County Health Department, or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Engineer, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the County Health Department, at the owner's expense."
- Sec. 12. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer of the County or the New York State Department of Environmental Conservation, or the Engineer, to protect public health and welfare.

#### ARTICLE IV

##### BUILDING SEWERS AND CONNECTIONS

- Sec. 1. No unauthorized person(s) 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 Engineer. "New sanitary sewers and all extensions to sanitary sewers owned and operated by the municipality shall be designed, by a professional licensed to practice sewer design in the state, in accordance with the recommended standards for sewage works, as adopted by the Great Lakes – Upper Mississippi River

Board of State Sanitary Engineers ('Ten State Standards'), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Engineer, the County Health Department, and the NYSDEC, before initiating any new construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.”

Sec. 2. “If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the village board.”

Sec. 3. There shall be two (2) classes of building sewer permits:

- a. For residential and commercial service, and
- b. For service to establishments producing industrial wastes.

In either case, the owner(s) or his agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Engineer.

Sec. 4. All costs and expenses incidental to installation and connection of the building sewer shall be borne by the owner(s). The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by installation of the building sewer.

Sec. 5. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The municipality does not, and will not, assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 6. Old building sewers may be used to connect with new buildings only when they are found, on examination and test by the Engineer, to meet all requirements of this local law.

- Sec. 7. Size, slope, alignment, materials of construction of a building sewer, and the methods used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to applicable rules and regulations of the municipality.
- Sec. 8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 9. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, pool drains, or other sources of stormwater, surface runoff, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters, or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- Sec. 10. 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.
- Sec. 11. Connection of the building sewer into the public sewer shall be done by the Village Department of Public Works where the lateral meets the main.
- Sec. 12. The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspections and connection to the public sewer.
- Sec. 13. 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 municipality. Where one must "enter or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the Superintendent of Highways if a highway is involved, from the County Department of Public Works if a county highway is involved, and/or the New York State Department of Transportation if a state highway is involved." Adequate notice to residents to be disrupted must be given.
- Sec. 14. "All contractors engaged in connecting house laterals with sanitary sewers, who perform any work within the right of way of any highway, shall file a bond, or other acceptable financial guarantee, in the amount determined necessary by the Village Board with the Village Clerk to indemnify the village against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant for such a permit, or any of his, or their agents arising or resulting directly or indirectly by

reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or consent. All bonds or financial guarantee shall contain a clause that permits given by the Village Board may be revoked at any time for just cause.

Sec. 14.a. "Before commencing work, the above contractor shall file insurance certificates with the Village Clerk for the following:

- Workman's compensation and employer's liability insurance as required by the laws of the state covering the contractor;
- Personal injury liability having limits of not less than \$1,000,000 each occurrence and \$1,000,000 aggregate (completed operations/products, personal injury);
- Property damage liability having limits of not less than \$1,000,000 for all damages arising during the life of the contract; and shall include but not be limited to, the following designated hazards:
  - o Premises and operations;
  - o Independent contractors;
  - o Completed operations and products;
  - o Property damage; and
  - o Explosions, collapse and underground;
- Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:
  - o Bodily injury – each person, \$300,000 each occurrence, \$1,000,000;
  - o Property damage – each occurrence, \$1,000,000
- Business excess liability insurance in the amount of \$3,000,000;
- All insurance policies must provide for thirty (30) business days notice to the village before cancellation and must cover all liabilities of the village and be in a form approved by the village board;
- The minimum insurance limits stated above shall be subject to periodic review by the village board and adjustments made, by resolution, as appropriate.

## ARTICLE V

### USE OF THE PUBLIC SEWER

- Sec. 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface runoff, groundwater, roof runoff, subsurface drainage, pool water, unpolluted industrial process water or cooling water to any sewer.
- Sec. 2. Stormwater, surface runoff, groundwater, roof runoff, subsurface drainage and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Engineer to a storm sewer or natural outlet. Any application for approval of a cooling water discharge must be accompanied by proof that the applicant has also applied for a SPDES permit and any such discharge will at all times be subject to Federal and State regulation.
- Sec. 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- 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 twenty-five percent (25%) nor any single reading over forty percent (40%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but not limited to, gasoline, alcohols, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substance which the Village, the State or EPA has notified the user is a fire hazard or a hazard to the system".
  - b. Any waters containing toxic or poisonous solids, liquid, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - c. Any waters or wastes having a pH lower than **5.0** or higher than **10.0**, or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the wastewater works.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage particles greater than one-half (1/2) inch in any dimension, whole blood, paunch manure, hair and flashings, entrails and paper dishes, cups, milk containers, grease, animal guts or tissues, spent grains, spent hops, tar asphalt residues, stone or marble dust, grass clippings, residues from refining or processing fuel or lubricating oil, polishing wastes, etc., either whole or ground by garbage grinders.

e. "Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scums, to be unsuitable for reclamation 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 non-compliance with sludge use or disposal 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."

Sec. 4. The following described substance, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Engineer may set limitations lower than the limitations established in the regulations contained herein, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the Engineer are as follows:

a. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius), "or in such quantities that the temperature at the treatment works influent exceeds 104° Fahrenheit (40° c)."

- b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- c. Wastewater from industrial plants containing floatable oils, fat, or grease.
- d. Any garbage that has not been properly shredded (see Article I, Section 17). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Engineer for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Engineer.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, State or Federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the discharge permit for the wastewater treatment facilities.
- j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Engineer may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer may:

- a. Reject the wastes,

- b. Require pretreatment to an acceptable condition for discharge to the public sewers,
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article. When considering the above alternatives, the Engineer shall give consideration to the economic impact of each alternative on the discharger. If the Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or 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 and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Engineer. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

Sec. 7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 8. When required by the Engineer the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Engineer. The structure 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.

Sec. 9. The Engineer may require a user of sewer services to provide information needed to determine compliance with this law. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot of sewers on the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (8) Access to the premises to determine whether any sump pumps, roof leads or similar equipment is located on the premises and determine manner of connection for discharging from the premises.

Sec. 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association or any replacement publication. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Engineer.

Sec. 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC in accordance with Section 307 of PL 95-217.

## ARTICLE VI

### PROTECTION FROM DAMAGE

Sec. 1. No person(s) shall maliciously, willfully, recklessly, or with criminal negligence break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities, or the Village Sewer System. Any person(s) violating this provision shall be guilty of a violation or crime within the

meaning of the Penal Law of the State of New York and shall be subject to the penalties therein permitted for the commission of a violation or crime, and, notwithstanding any other provision of this Local Law, no notice of the violation, written or otherwise, shall be required before enforcement of this provision may be made.

- Sec. 2. The owner of the property must forthwith repair or correct any break, damage, or other condition resulting from violation of Section 1 of this Article VI. At its option, the Village may make such repairs or corrections and the owner or persons violating Section 1 of this Article VI shall be liable for the reasonable expenses incurred by the Village. Nothing in this section shall be construed to limit the civil remedies available to the Village against the property owner.
- Sec. 3. The penalties and punishment provided for by the foregoing provisions of this Article shall be in addition to any other punishment or penalty prescribed by any applicable provision of the Penal Law of the State of New York.

## ARTICLE VII

### POWERS AND AUTHORITY OF LOCAL, STATE AND FEDERAL AGENCIES, OFFICERS AND EMPLOYEES

- Sec. 1. The Engineer and other duly authorized employees of the municipality, with respect to all properties, and the agents of the State Department of Environmental Conservation, the United States Environmental Protection Agency or their successors in interest, or other Agency or Department having jurisdiction in the matter, with respect to properties contributing waste (as defined in this law) shall be permitted to enter such property for the purposes of conducting such inspection, observation, measurement, sampling and testing which relates to the discharge of waste materials into the community sewer system in accordance with the provisions of this law.
- a. Any person making such entry shall bear credentials and identification validly issued to such person indicating that he has authority to make such entry.
- b. The person authorized to enter upon the premises shall give such notice, in writing or orally, as he deems appropriate in the exercise of his reasonable discretion. However, any such entry may be made without any such notice provided that such person presents the credentials and identification described in paragraph a. (above), and provided that he discloses to any occupant requesting the same, the nature and purpose of his entry. The determination as to whether or not an entry shall be made or whether any notice shall be given shall be based upon the following:

- i) The need to enforce the provisions of this Law,
- ii) The need to inspect the premises in order to determine whether or not the facilities therein comply with the requirements of this law,
- iii) The existence of facts which indicate that such entry is authorized in order to protect the public from actual, threatened, or possible injury or damage, and
- iv) The availability of the persons authorized to make any such inspection.

Sec. 2. In addition to allowing access as stated above in section 1, citizens of the Village of Whitehall shall allow periodic in-home and property inspections of their connections. This includes the right to inspect to ensure laterals are functioning properly. Inspections are to be completed by a board appointed and licensed inspector/engineer. Should the citizen not comply with such inspection, that citizen shall have two weeks to submit a report from a board approved inspector, at that citizen's own expense. After two weeks, should that citizen not have complied with either the town appointed inspection or to provide their own to the town within two weeks, such citizen will be in violation of this law, and enforcement of this law will be taken. Such enforcement will include, but is not limited too, the right of the Village of Whitehall to disconnect that citizen's water and sewer access, as well as penalties in accordance with article ix of this law.

Sec. 3 The Engineer, or other person or persons authorized under this law, including any employee of the State Department of Environmental Conservation and of the United States Environmental Protection Agency or their successors in interest are authorized to obtain information describing industrial processes, constituents of waste waters and other industrial waste and the characteristics thereof, which have a bearing on the kind and source of discharge to the waste water collection system.

Sec. 3. If the owner or other person having charge of the property being inspected has established any safety rules or regulations regarding any activity on the premises, any person entering the said premises shall comply with such rules and regulations provided that due and timely notice thereof, by delivering a copy thereof, has been given to such person.

Sec. 4. The Engineer and the other duly authorized employees of the municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with terms of the duly negotiated easement pertaining to the private property involved. Notwithstanding anything contained herein to the contrary, whenever any new construction, or repairs, of a sewer main is done on a Village street, residences shall be inspected for roof leads, floor drains and illegal hook-ups of a sump pump or similar discharge devise.

## ARTICLE VIII

### FEES

Sec. 1. A permit and inspection fee of One Hundred Dollars (\$100.00) shall be paid to the municipality at the time that the application is filed for a private wastewater disposal system permit.

Sec. 2. A permit and inspection fee of One Hundred Dollars (\$100.00) shall be paid to the municipality at the time the application is filed for a residential or commercial building sewer permit under this law.

Sec. 3. A permit and inspection fee of Five Hundred Dollars (\$500.00) shall be paid to the municipality at the time the application is filed for an industrial building sewer permit under this law.

## ARTICLE IX

### PENALTIES

Sec. 1. Any person found violating any provision of this local law except Article VI shall be served by the municipality with written notice stating the nature of the violation and providing ten days for an explanation of the violation and a plan for the satisfactory correction, with specific plans set forth, and prevention thereof to

be submitted to the Engineer. Such correction and prevention plan provided with 10 days to the Engineer, however, does not relieve the user, in any way, of any liability for any violations committed by the user. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. "The Engineer 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."

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of an offense, and upon conviction thereof shall be fined a sum not in excess of One Thousand Dollars (\$1,000.00). Each day in which any such violation continues, shall be deemed to be a separate offense. The provision of this Article shall be in addition to and shall not preclude, enforcement by injunction or by other lawful means. In accordance with Article IX, Section 9, the petitioner may petition such administrative order.

Sec. 3. Any person violating any of the provisions of this local law shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

Sec. 5. When the Engineer determines that a user has violated, or continues to violate, this law or an administrative order issued, he may issue an administrative order notifying the user that the water and sewer service will be disconnected within a stated amount of time, unless the violation is corrected and no reoccurrence of the violation occurs. These 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.

Sec. 6. When the Engineer finds that a user has violated or continues to violate this law or other permit or administrative order issued, such Engineer may issue a Cease and Desist Order directing those persons in noncompliance to:

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

The User may again petition the engineer to modify or suspend the order according to Article IX, Section 9.

Sec. 7. Any user who violates this law, a permit, administrative order, state, or federal law, is subject to permit termination:

- Violation of permit conditions or conditions of an administrative order;
- Failure to accurately report the wastewater constituents and characteristics of its discharge;
- Failure to report significant changes in operations or wastewater constituents and characteristics;
- Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or,
- Failure to pay administrative fines, fees or user charges.

Non-compliant users will be notified via registered mail of the intent to terminate their wastewater permit. Such users may petition the Engineer to permit the continued use of the POTW user in accordance with Article IX, Section 9.

Sec. 8. When a user has violated or continues to violate this law or an order or permit issued, their water service may be severed and will only recommence upon the user's demonstration that they can satisfactorily comply, at the user's expense.

The user may petition the severance in accordance with Article IX, Section 9.

Sec. 9. Within fifteen (15) calendar days of receipt of such administrative order, a user may petition the Engineer to modify or suspend such order. Such petition

shall be in written form and shall be transmitted to the Engineer via registered mail. The Engineer shall then:

- Reject any frivolous petitions;
- Modify or suspend the order; or
- Order the petitioner to show cause at a show cause hearing, and may as part of the show cause notice request the user to supply additional information.

Sec. 9b. The notice of hearing shall be served at least ten (10) calendar days before the hearing is to be held, and should be made on any principal or executive officer of a user's establishment or to any partner of such establishment. The hearing may be held before the Board itself, any members they decide to designate, or any officer or employee of the Village that the Board appoints. At such hearing, evidence will be taken, witnesses will be heard, sworn testimony will be taken, and a transcript and other evidence shall be presented to the Board who shall decide whether to order the user to comply with the Engineer's order or fine, modify the Engineer's order or fine, or vacate the Engineer's order or fine.

Sec. 10. Should the user neglect to exercise his right to petition within the fifteen (15) calendar days, that user is deemed in default and any right to contest shall be waived.

Sec. 11. Notice required to be delivered by the Engineer shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice shall be deemed given upon its mailing.

Sec. 12. The Engineer may utilize one or more of the administrative remedies set forth, and shall also have the right to hold one show cause hearing under Section 9, combining more than one enforcement action.

Sec. 13. Civil penalties may be additionally sought through judicial intervention in a court of competent jurisdiction, giving preference to the local courts. Upon such action, the Village attorney may, on behalf of the Engineer, seek damages up to \$1,000 per violation, per day, reasonable attorney's fees, court costs, and other expenses related to enforcement activities, including sampling and monitoring expenses.

- Sec. 13a. To determine the amount of the civil penalty the court shall take into account all relative circumstances, including, but not limited to: the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require.
- Sec. 13b. Such court may also, at the request of the Village attorney, acting on behalf of the Engineer and the Village, issue a preliminary or permanent injunction, and/or issue an order suspending, revoking, or modifying the violator's wastewater discharge permit, or enjoining the violator from continuing the violation.
- Sec. 14. Any person who willfully violates any provision of this law or any final determination or administrative order of the Engineer 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 five hundred dollars nor more than one thousand dollars, 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. Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars per violation per day or imprisonment for not more than one year or both. No prosecution, under this section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.
- Sec. 15. Notwithstanding any inconsistent provisions of this law, whenever the Engineer finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Engineer, 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 Engineer may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practicable are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity; or in the event of a user's failure to comply voluntarily with an emergency order, the Engineer may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Engineer shall provide the user an opportunity to be heard, in accordance with the provisions of this article. The Engineer, 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.

## PART II

### ARTICLE X

#### INDUSTRIAL WASTES

This provision relating to industrial waste has been designated as Part II of this Law for convenience of classification. It is, nevertheless, a part of this Local Law and all other applicable provisions of this Local Law, including but not limited to provisions relating to the Administration and enforcement thereof, are made applicable to this Part II.

Sec. 1. It shall be unlawful for any person and/or commercial, industrial, or business concern (herein called "contributor") to discharge any industrial wastes into any section of the sanitary sewers except where treatment has been provided prior to discharge in accordance with Federal Environmental Protection Agency Rules and Regulations promulgated pursuant to Section 307 of Public Law 92-500, and to a degree satisfactory to the Village Board. Design and construction of pretreatment facilities shall be subject to review and approval of the Village Engineer. Access to the pretreatment facilities shall be granted to representatives

of the Village, the New York State Department of Environmental Conservation, and the United States Environmental Protection Agency or their successors in interest.

Sec. 2. All costs of constructing, operating, and/or maintaining pretreatment or flow equalizing facilities, as mentioned in subsequent provisions of this Law shall be borne by the contributor.

Sec. 3. Industrial waste will be admitted to the sanitary sewer system only by special permission of the Village Board.

Sec. 4. Industrial waste discharges shall meet all requirements of Article V.

Sec. 5. It shall be unlawful, except by special permission of the Village Board to construct or maintain any septic tank, cesspool, or other subsurface disposal facility intended or used for the disposal or treatment of industrial wastes.

Sec. 6.

a. Where, in the opinion of the Engineer, a significant amount of industrial waste is involved, the connection to the sanitary sewer system shall be a control manhole with suitable provisions for sampling, measurement, and observation of the industrial flows. All references herein limiting the characteristics of industrial wastes shall apply at the control manhole.

b. All measurements, tests, and analyses of the characteristics of waters and wastes, to which reference is made in this Local Law, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples (as prescribed by the Engineer) taken at the said control manhole.

Sec. 7. Where, in the opinion of the Engineer, wastes will have a detrimental effect upon either the sanitary sewer system or the receiving stream, they shall be completely excluded from the sewage system. In forming his opinion as to the acceptability of these wastes, the Engineer will consider such factors as quantities of detrimental wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of the wastes, and other

pertinent factors. Among inadmissible wastes are those included in Article V, Section 3, and:

- a. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (or 0-65°c).
- b. There are numerous other wastes, which are inadmissible to the sewers when certain objectionable characteristics are excessive in degree. These are generally included in subsequent provisions of this Law for determining maximum limits for pretreatment by contributors.

Sec. 8. Any wastes with characteristics, which may be detrimental to either the sewerage system or the receiving stream, as determined by the Engineer, shall be pretreated by the contributor. Method of pretreatment shall be approved by the Engineer. "Discharges to the sanitary sewer system shall not contain concentrations exceeding the following limits at the point of entry into the system unless a variance has been granted by the engineer:

<u>Parameter</u>	<u>Effluent Concentration Limits (mg/l)*</u>	
	<u>30 Day Average</u>	<u>24 Hour Average</u>
Cadmium	0.4	0.8
Hex. Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides		

	To Fresh Water	4.0*	8.0*
	To Saline Water	36.0	72.0
Phenol		4.0	8.0

\*Milligrams per liter or Parts per Million may be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.

Sec. 9. Extreme variation in the discharge rate may be a limiting factor in the handling of industrial wastes. Maximum discharge rates shall be established by the Engineer for each point of connection subject to revision as conditions require.

Sec. 10. Any user of the sanitary sewer system contributing industrial wastewaters equaling or exceeding 10 percent of the design flow, or 10 percent of the design process loading for the wastewater treatment plant will be required to enter into a capital cost recovery program with the Village as set forth under Rules and Regulations promulgated by the United States Environmental Protection Agency under Public Law 92-500.

### PART III

#### ARTICLE XI

##### MISCELLANEOUS

Sec. 1. "An industrial user shall notify the Village immediately upon accidentally discharging wastes in violation of this Local Law. This notification shall be followed, within 5 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 Village under Applicable State and Federal regulations."

Sec. 2. "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 Local Law. Also copies of the Local Law are to be made available to users employees."

Sec. 3. When required by the Engineer, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the engineer 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:

- Description of discharge practices, including non-routine batch discharges;
- Description of stored chemicals;
- 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 standards;
- 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.

Sec. 4. The Engineer 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 non-residential properties, records, and easements at all times for the purpose of inspection, observation, sampling, flow, measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the POTW, and with the provisions of this law.

Sec. 5. "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 or such wastes in violation of this Local Law.”

Sec. 6. “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.

Sec. 7. “The Village reserves the right to establish by Local Law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in Article XI of this Local Law.”

Sec. 8. “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.”

Sec. 8. 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:

- Pass-through or cause interference
- Endanger the public municipal employees
- Cause violation of the SPDES permit
- Interfere with any purpose stated in this law

- Prevent the equitable compensation to the village for wastewater conveyance and treatment, and sludge management and disposal

No discharge, which violates the federal pretreatment standards, will be allowed under the terms of such special agreements.

No agreement shall be entered into without the user having 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.

Sec. 7. No persons shall knowingly make any false statements, representation, record, report, plan or other documentation filed with the municipality nor shall any person knowingly falsify, tamper with, or render inaccurate any monitoring device or method required under this Local Law. Each violation of this section shall constitute a violation pursuant to the Penal Law of the State of New York. However, in no case shall the fine imposed for each violation of this section exceed \$250.

Sec. 8. "The invalidity of any section, clause, sentence or provision of this Local Law shall not affect the validity of any other part thereof, which can be given effect without such invalid part or parts."

Sec. 9. "All rules, regulations, and ordinances, or portions thereof, in conflict with this Local Law are hereby repealed."

#### PART IV

#### ARTICLE XII

#### EFFECTIVE DATE

Sec. 1. This Local Law shall be effective on the 20<sup>th</sup> day after adoption and filing of the necessary copies of the same with the Secretary of State as required by law.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of  
Town  
Village

Whitehall

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 03 2008

Local Law No. 2 of the year 20 08

MISCELLANEOUS  
& STATE RECORDS

A local law

*(Insert Title)*  
A Local Law Providing for Use of  
the Wastewater Collection and  
Treatment System

Be it enacted by the

Trustees

*(Name of Legislative Body)*

of the

County  
City of  
Town  
Village

Whitehall

as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 08 of the (County)(City)(Town)(Village) of Whitehall was duly passed by the Trustees of the Village on September 8 20 08, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

Max C. Douglas  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/11/08

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Washington

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

[Signature]  
Signature  
Village Attorney  
Title

County  
City of Whitehall  
Town  
Village

Date: 9/11/08