

A LOCAL LAW

**BOARD OF LEGISLATORS
OF
ONEIDA COUNTY**

Local Law No. 3 of 2008

**Rules and Regulations Governing the Discharge of Sewage,
Industrial Wastes and Other Wastes into the County Interceptor Sewer
System and All Public Sewers Tributary Thereto**

**ONEIDA COUNTY
SEWER USE RULES AND REGULATIONS**

Amended to Comply with the requirements of the Clean Water Act
and Applicable Federal and State Regulations

Adopted by the

**BOARD OF LEGISLATORS
OF
ONEIDA COUNTY, NEW YORK**

EFFECTIVE: August 14, 2008

LOCAL LAW INTRODUCTORY "D" OF 2008
LOCAL LAW NO. 3 OF 2008

A LOCAL LAW AMENDING THE ONEIDA COUNTY SEWER USE RULES AND REGULATIONS GOVERNING THE DISCHARGE OF SEWAGE INDUSTRIAL WASTES AND OTHER WASTES INTO THE COUNTY SEWAGE TREATMENT PLANT, INTERCEPTOR SEWER SYSTEM AND ALL PUBLIC SEWERS TRIBUTARY THERETO TO COMPLY WITH THE REQUIREMENTS OF THE CLEAN WATER ACT AND APPLICABLE FEDERAL AND STATE REGULATIONS.

Legislative Intent: The intent of this Local Law is to amend the rules and regulations governing the discharge of sewage, industrial waste and other wastes into the County of Oneida interceptor sewer system and all public sewers tributary thereto to conform with the requirements of the Clean Water Act and other federal and state regulations.

BE IT ENACTED by the Oneida County Board of Legislators as follows:

ONEIDA COUNTY SEWER USE RULES AND REGULATIONS

ARTICLE I	SHORT TITLE, PURPOSE AND SCOPE
ARTICLE II	DEFINITIONS
ARTICLE III	USE OF COUNTY AND TRIBUTARY PUBLIC SEWERS
ARTICLE IV	DISCHARGE OF WATERS NOT CONTAINING SEWAGE
ARTICLE V	DISCHARGE RESTRICTIONS
ARTICLE VI	PRETREATMENT REQUIREMENTS
ARTICLE VII	DISCHARGE OF SCAVENGER WASTES
ARTICLE VIII	TERMS AND CONDITIONS FOR THE CONNECTION OF SEWERS
ARTICLE IX	DISCHARGE PERMITS AND REPORTING REQUIREMENTS
ARTICLE X	ENFORCEMENT AND PENALTIES
ARTICLE XI	GENERAL PROVISIONS

* * * * *

ONEIDA COUNTY SEWER USE RULES AND REGULATIONS

TABLE OF CONTENTS

ARTICLE I - SHORT TITLE, PURPOSE AND SCOPE		I-1
§ 101. Short Title		I-1
§ 102. General Purpose		I-1
§ 103. Specific Purposes		I-1
§ 104. Scope Or Applicability.....		I-2
ARTICLE II - DEFINITIONS		II-1
§ 201. Definitions		II-1
§ 202. Abbreviations.....		II-13
§ 203. Undefined Terms		II-14
ARTICLE III - USE OF COUNTY AND TRIBUTARY PUBLIC SEWERS		III-1
§ 301. Limitation Of Use		III-1
§ 302. Basis Of Sewer Use Requirement.....		III-2
§ 303. Unlawful Waste Disposal		III-2
§ 304. Unlawful Wastewater Discharge		III-2
§ 305. Connection To Public Sewer Required.....		III-2
§ 306. Wastewater From Outside the POTW Service Area; and Intermunicipal Agreements and Permits		III-2
§ 307. Intermunicipal Agreements.....		III-3
§ 308. Moratorium		III-4
§ 309. Conflicts.....		III-5
ARTICLE IV - DISCHARGE OF WATERS NOT CONTAINING SEWAGE		IV-1
§ 401. Statement of Policy Regarding Existing Local Combined Sewers and Existing Stormwater Connections.....		IV-1
§ 402. Discharge Of Waters Not Containing Sewage.....		IV-2
ARTICLE V - DISCHARGE RESTRICTIONS		V-1
§ 501. Prohibited Materials, Substances And Wastes.....		V-1
§ 502. Prohibited Toxic Substances And Pathogenic Organisms.....		V-3
§ 503. Permissible Concentrations Of Toxic Substances		V-4
§ 504. Materials, Substances And Wastes Requiring Approval		V-4

§ 505.	Modification To Discharge Limits.....	V-7
§ 506.	Exclusion Of Unpolluted Waters.....	V-8
§ 507.	Action By The Commissioner.....	V-8
§ 508.	Affirmative Defenses.....	V-9
ARTICLE VI - PRETREATMENT REQUIREMENTS.....		VI-1
§ 601.	Pretreatment Requirements.....	VI-1
§ 602.	National Categorical Pretreatment Standards.....	VI-1
§ 603.	State Requirements.....	VI-2
§ 604.	County's Right Of Revision.....	VI-2
§ 605.	Accidental Spills And Slug Discharges.....	VI-2
§ 606.	Dilution Prohibited.....	VI-3
§ 607.	Grease, Oil And Sand Interceptors.....	VI-3
ARTICLE VII - DISCHARGE OF SCAVENGER WASTES.....		VII-1
§ 701.	Permit Required For Discharge Of Scavenger Wastes.....	VII-1
§ 702.	Conditions for Discharge of Scavenger Wastes.....	VII-2
§ 703.	Regulations Relating to Scavenger Waste Permits.....	VII-2
§ 704.	Charges for Permits and Discharge of Scavenger Wastes.....	VII-3
ARTICLE VIII - TERMS AND CONDITIONS FOR CONNECTION OF SEWERS... VIII-1		VIII-1
§ 801.	Sewers and Connections.....	VIII-1
§ 802.	Approval of Connections.....	VIII-3
§ 803.	Additional Requirements for Connection.....	VIII-3
§ 804.	Abandonment or Demolition of Sewers.....	VIII-3
ARTICLE IX - DISCHARGE PERMITS AND REPORTING REQUIREMENTS..... IX-1		IX-1
§ 901.	Permit Required for Wastewater Discharge.....	IX-1
§ 902.	Wastewater Discharge Permits.....	IX-2
§ 903.	Reporting Requirements for Permittee.....	IX-5
§ 904.	Compliance Schedules.....	IX-10
§ 905.	Monitoring Facilities (Control Manholes).....	IX-10
§ 906.	Monitoring and Analysis Requirements.....	IX-11
§ 907.	Inspection of Site and Facilities.....	IX-12
§ 908.	Confidential Information.....	IX-13
§ 909.	Fees.....	IX-13
ARTICLE X - ENFORCEMENT AND PENALTIES..... X-1		X-1
<u>ENFORCEMENT RESPONSE PLAN.....</u>		<u>X-1</u>
§ 1001.	Enforcement Response Plan.....	X-1

<u>ADMINISTRATIVE REMEDIES</u>	X-2
§ 1002. Phone Call.....	X-2
§ 1003. Notification of Violation.....	X-3
§ 1004. Consent Orders.....	X-3
§ 1005. Administrative Or Compliance Order.....	X-3
§ 1006. Administrative Fines.....	X-4
§ 1007. Cease and Desist Orders.....	X-4
§ 1008. Termination Of Permit.....	X-5
§ 1009. Water Supply Severance.....	X-5
§ 1010. Failure of the User to Petition Commissioner.....	X-6
<u>JUDICIAL REMEDIES</u>	X-6
§ 1011. Civil Penalties.....	X-6
§ 1012. Court Orders.....	X-7
§ 1013. Criminal Penalties.....	X-7
§ 1014. Injunctive Relief.....	X-8
§ 1015. Damages.....	X-8
§ 1016. Summary Abatement.....	X-8
<u>MISCELLANEOUS</u>	X-9
§ 1017. Late Charges and Delinquent Payments.....	X-9
§ 1018. Performance Bonds.....	X-9
§ 1019. Liability Insurance.....	X-9
§ 1020. Public Notification.....	X-10
§ 1021. Penalty Policy.....	X-10
ARTICLE XI - GENERAL PROVISIONS	XI-1
§ 1101. Powers And Authority Of Commissioner.....	XI-1
§ 1102. Protection From Damage.....	XI-1
§ 1103. Sewerage Surcharge.....	XI-2
§ 1104. Sewerage Service Charges.....	XI-2
§ 1105. Use of Revenues.....	XI-2
§ 1106. Severability.....	XI-2
§ 1107. Validity.....	XI-2
§ 1108. Effective Date.....	XI-3

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

<i>SECTION 101</i>	<i>SHORT TITLE</i>
<i>SECTION 102</i>	<i>GENERAL PURPOSE</i>
<i>SECTION 103</i>	<i>SPECIFIC PURPOSES</i>
<i>SECTION 104</i>	<i>SCOPE OR APPLICABILITY</i>

§ 101. SHORT TITLE

(a) For brevity and ease of communication, this Law establishing Oneida County Sewer Use Rules and Regulations may be cited as "Rules and Regulations", "Sewer Use Law" or "this Law".

§ 102. GENERAL PURPOSE

(a) The general purpose of this Law is to provide for the efficient, economic, environmentally safe and legal operation of the Oneida County POTW.

§ 103. SPECIFIC PURPOSES

The purposes of this Law are specifically stated as follows:

(a) to prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the County interceptor sewer system and all public sewers tributary thereto;

(b) to prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature, or that cause in any way a poisonous or hazardous environment for POTW operations and maintenance personnel;

(c) to prohibit the contribution of sewage, industrial wastes or other wastes that may cause operating or maintenance difficulties in the sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances to the County interceptor sewer system and public sewers tributary thereto;

(d) to prohibit the contribution of sewage, industrial waste or other wastes that may cause operating difficulties at the POTW treatment plant(s) as they now exist or may be constructed, modified or improved in the future, or that may render sludge from said plant(s) unsuitable for treatment, processing, disposal or reclamation as the County desires;

(e) to prohibit and/or to regulate sewage, industrial waste or other waste contributed to the POTW treatment plant(s) that may cost more for the County to treat than equal volumes of normal sewage;

(f) to require the treatment, prior to introduction into the POTW, of such waste as may otherwise impair the strength and/or durability of the structures and appurtenances of the POTW, by direct or indirect chemical action, or interfere with normal treatment processes;

(g) to prevent the introduction of wastes into the POTW that will interfere with or pass through the POTW treatment plant processes, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the POTW;

(h) to improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;

(i) to provide for equitable distribution of the costs of the POTW;

(j) to provide cooperation with the New York State Department of Environmental Conservation, USEPA and any other agencies that have requirements or jurisdiction for the protection of the physical, chemical and biological quality of watercourses within or bounding the County;

(k) to protect the public health and to prevent nuisances; and

(l) to provide authority to impose pretreatment standards and requirements on all non-domestic users of the POTW.

§ 104. SCOPE OR APPLICABILITY

(a) This Law shall apply to all users or persons that discharge to the Oneida County POTW.

END OF ARTICLE I

ARTICLE II

DEFINITIONS

<i>SECTION 201</i>	<i>DEFINITIONS</i>
<i>SECTION 202</i>	<i>ABBREVIATIONS</i>
<i>SECTION 203</i>	<i>UNDEFINED TERMS</i>

§ 201. DEFINITIONS

(a) Unless the context specifically indicates otherwise, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular, and vice-versa. Furthermore, a masculine pronoun shall include the feminine. "Shall" is mandatory; "may" is permissive.

Act, or "the Act": see Clean Water Act.

Administrator: The Regional Administrator of the United States Environmental Protection Agency, Region II.

Ammonia: The quantity of ammonia in a sample, expressed in milligrams of nitrogen per liter, as determined using an approved laboratory procedure.

Approval Authority: The United States Environmental Protection Agency, or, if responsibility of the approval authority is delegated as such by USEPA, the New York State Department of Environmental Conservation.

Approved Laboratory and Sampling Procedure: Techniques prescribed in 40 CFR Part 136 and the amendments thereto. Where 40 CFR does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 techniques are inappropriate, sampling and analysis shall be performed using validated analytical methods or any other applicable procedures, including procedures suggested by the County or other parties, as approved by the EPA Administrator.

Authorized Representative of Industrial User: A responsible corporate officer, general partner, proprietor, or individual, as defined in 40 CFR 403.12(l).

Batch Discharge: see Discharge, Batch.

Best Management Practices or BMP's: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP's include treatment requirements, operating procedures, and

practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand, or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter in a sample, expressed in parts per million or milligrams per liter, as determined using an approved laboratory procedure.

Board of Legislators: The Board of Legislators of the County of Oneida, New York.

Categorical Standards: see National Categorical Pretreatment Standards.

Chemical Oxygen Demand, or COD: The quantity of oxygen utilized in the oxidation of matter in a sample, expressed in parts per million or milligrams per liter, as determined using an approved laboratory procedure.

Characteristic Hazardous Waste: A waste not listed by name or source but is hazardous due to its ignitibility, corrosively, reactivity or toxicity as defined in 40 CFR 261.21, 40 CFR 261.22, 40 CFR 261.23 and 40 CFR 261.24 respectively.

Chlorine Demand: The difference between the amount of chlorine added to a sample and amount of residual chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter, as determined using an approved laboratory procedure.

Clean Water Act, or Act: The Federal Water Pollution Control Act, 33 USC 1251, et seq., as currently amended and as may be amended in the future.

Color: The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equal to zero (0.0) optical density.

Commissioner: The Commissioner of Water Quality and Water Pollution Control of the County of Oneida, or his duly authorized agent.

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

Connection: Attachment of one user to a POTW sewer.

Control Authority: Oneida County Department of Water Quality and Water Pollution Control for the Pretreatment Program as approved by USEPA under provisions of 40 CFR 403.11.

Control Manhole: A manhole accessible to the Control Authority, located in or upstream of a street lateral, such that samples collected from the manhole represent discharge to the POTW.

Cooling Water: The water discharged from any system of condensation, air conditioning, cooling refrigeration, or other sources. It shall contain no polluting substances that would produce BOD, COD or suspended solids in excess of ten parts per million by weight, nor any substances as limited elsewhere herein.

County: The County of Oneida, New York.

County Executive: The County Executive of the County of Oneida, New York

County Sewer: Any sewer owned and operated by the County of Oneida, New York.

County Sewer District: Any County sewer district as created, altered, or modified by action of the Oneida County Board of Legislators.

County Interceptor Sewer System, or County System: The trunk sewers, force mains, pumping stations, sewage regulators, sewage treatment plants and other appurtenant structures owned and operated by the County of Oneida, New York.

Department of Water Quality and Water Pollution Control: The Oneida County Department of Water Quality and Water Pollution Control.

Discharge, or Indirect Discharge: The contribution, introduction, spilling, leaking, pumping, pouring, emitting, emptying or dumping of pollutant(s) or wastewater from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act, (33 USC 1317), into the POTW, including scavenger wastes discharged into the system, with ultimate discharge into the waters of the State of New York.

Discharge, Batch: A noncontinuous routine discharge, not a slug discharge.

Discharge, Direct: The contribution, introduction, spilling, leaking, pumping, pouring, emitting, emptying or dumping of treated or untreated wastewater directly to the waters of the State of New York.

Domestic: Of or relating to a home or household.

Domestic Septage: see Septage, Domestic

Environmental Protection Agency, EPA or USEPA: The agency of the Federal government charged with the administration and enforcement of Federal environmental laws, rules and regulations. Where appropriate, the term may also be used as a designation for the Administrator or duly authorized official of said agency.

Existing User: see User, Existing.

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

Garbage: Solid waste resulting from the domestic, commercial, or industrial preparation, cooking, canning, packaging or dispensing of food, or from the handling, storage or sale of produce.

Generator: A person whose wastes, other than domestic wastes, are hauled and discharged into the County POTW by a hauler.

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

Hauler: A person who hauls and transports scavenger wastes for discharge to the County POTW.

Indirect Discharge: see Discharge.

Industrial: Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and as distinguished from domestic or residential.

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

Industrial User: see User, Industrial.

Industrial Waste: see Waste, Industrial.

Industrial Waste Survey, or IWS: A survey of industrial users of the County POTW, performed by the County at least every five (5) years, or as necessary, to determine discharge characteristics of the user.

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

Inflow: Water, other than wastewater, that enters a sewer system, including building drains, from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, sump pumps or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow sources are designed and/or built into the sewer or drain.

Interference: The inhibition or disruption of the POTW, POTW treatment processes, or its sludge processes, that is a cause of a violation of any requirement of the County's SPDES permit including an increase in the magnitude or duration of a violation. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Marine Protection Research and Sanctuaries Act, or more stringent state criteria,

including those contained in any State sludge management plan prepared pursuant to Subtitle D of SWDA applicable to the method of disposal or use employed by the POTW.

Local Limits: The term "Local Limits" shall mean any effluent limits that are established by the Commissioner. This term includes, but is not limited to, limits that are more stringent than applicable categorical pretreatment standards.

Monitoring Event: One, 24-hour composite sample of a user's discharge, or, in the case of a batch discharge, one grab sample.

National Categorical Pretreatment Standard, or Categorical Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) and as set forth in 40 CFR Parts 405 through 471, inclusive, that applies to a specific category of industrial users.

National Pollutant Discharge Elimination System Permit, or NPDES Permit: A permit issued pursuant to Section 402 of the Act (33 USC 1342).

National Pretreatment Standard: Any National Categorical Pretreatment Standard and any National Prohibitive Discharge Standard.

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

New Source: Any source from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of a proposed Section 307(c) (33 USC 1317) Categorical Pretreatment Standard which will be applicable to such source if such Pretreatment Standards are thereafter promulgated in accordance with that Section, and provided for under 40 CFR 403.3(k).

New User: see User, New.

Noncompliance: Failure to meet the requirements of this Law and other applicable County, State and Federal pretreatment standards and requirements. Also, failure to adhere to any order, fine or penalty administered by the Commissioner, County, State or Approval Authority.

Normal Sewage: see Sewage, Normal.

North American Industry Classification System, or NAICS: A classification pursuant to the North American Industry Classification System manual issued by the Executive Office of the President, Office of Management and Budget, 2002 and subsequent revisions.

Nuisance: The use or lack of use of the POTW in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the POTW.

Offset Plan: Plan that establishes a program to ensure the flow, in one or more segments of the POTW exceeding its hydraulic or organic capacity, expected from any new connection to the County interceptor sewers and public sewers tributary thereto is offset by the removal of infiltration and/or inflow, in that segment, in an amount fixed by the Commissioner.

Oil and Grease, Total: Any material recovered from wastewater as a substance in an organic extracting solvent, utilizing the analytical methods contained in 40 CFR 136 intended to determine total oil and grease.

Oil and Grease (Mineral Fraction): The portion of wastewater that is derived from mineral/petroleum origin, as determined utilizing the analytical methods contained in 40 CFR 136, intended to determine the mineral/petroleum fraction of the total oil and grease.

Oil and Grease (Non-Mineral Fraction): The portion of wastewater that is derived from animal or vegetable lipids. It shall be defined as the total oil and grease concentration minus the concentration of mineral fraction of the total oil and grease.

Oneida County Sewer District, or OCS D: The sewer district as administered by the Oneida County Department of Water Quality and Water Pollution Control.

Other Waste: see Waste, Other.

Pass Through: A discharge that exits the POTW treatment plant into waters of the State in quantities that, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's SPDES permit. This includes an increase in the magnitude or duration of a violation.

Permit, or Wastewater Discharge Permit: A temporary, revocable, written document allowing use of the POTW for specified wastes over a limited period of time, containing requirements for sampling locations and reporting frequencies, and requiring other actions as authorized by this Law, and as set forth in Article IX of this Law.

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

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt or industrial, municipal or agricultural waste discharged into water, land and/or air.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of the water, land and/or air.

POTW: see Publicly Owned Treatment Works.

POTW Treatment Plant: That portion of the POTW designed to achieve the elimination of pollutants, reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the waters of the State.

Pretreatment: see Treatment.

Pretreatment Requirement: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, including requirements specified in a permit, administrative letter or order, applicable to an industrial user.

Pretreatment Standard: Any National Categorical Pretreatment Standard, National Prohibitive Discharge Standard, or standard for pretreatment as set forth in this Law.

Priority Pollutants: The most recently revised or updated list, as developed by USEPA, in accordance with the Act.

Prohibitive Discharge Standard: see National Prohibitive Discharge Standard.

Properly Shredded Garbage: The waste from the preparation, cooking or dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

Publicly Owned Treatment Works, or POTW: A treatment works as defined by Section 212 of the Act (33 USC 1292), that is owned in this instance by the County. This definition includes any sewers and appurtenances that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected directly or indirectly to a facility providing treatment. For the purposes of this Law, "POTW" shall also include any sewers and appurtenances that convey wastewater to the POTW from persons outside the County who are, by contract or agreement with the County Sewer District, users of the County POTW. POTW shall also include the sewers and appurtenances owned by municipalities geographically covered by the County Sewer District(s).

Receiving Waters: A natural watercourse or body of water into which treated or untreated wastewater is discharged.

RCRA Listed Waste: A waste listed in 40 CFR Subpart D, Sections 261.30 through 261.33. This includes the (F) list of waste from non-specific sources, the (K) list of waste from specific sources, the (P) list of acute hazardous discarded commercial products and the (U) list of toxic discarded commercial products.

Scavenger Waste: All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved types of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries that are hauled to the POTW treatment plant. Scavenger waste also includes sludge from small sewage treatment plants, and

leachate from landfills. Scavenger waste shall not have been contaminated with Substances of Concern, Priority Pollutants, or be a RCRA Listed or Characteristic Hazardous Waste.

Septage, Domestic: A liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap.

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

Sewage, Domestic: Liquid and liquid-carried wastes from the non-commercial preparation, cooking, and handling of food; liquid and liquid-carried wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, including apartment buildings and hotels, institutions, commercial buildings, industrial buildings, factories, and office buildings; liquid wastes from floor, wall and/or clothes washing; and free from storm water, surface water, industrial waste, and other waste.

Sewage, Low Solids: Sewage, industrial wastes or other wastes, that show by analysis a total solids concentration less than or equal to one (1) percent by weight. This definition only applies to wastes hauled to the POTW and is used for the purposes of qualifying the wastewater for a specific billing rate.

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

- (a) BOD (five day): 2750 pounds per million gallons (330 milligrams per liter) or less;
- (b) Suspended Solids: 2420 pounds per million gallons (290 milligrams per liter) or less;
- (c) Ammonia: 250 pounds per million gallons (15 mg/l) or less;
- (d) Total Kjeldahl Nitrogen (TKN): 417 pounds per million gallons (50 milligrams per liter) or less;
- (e) Chlorine Demand: 209 pounds per million gallons (25 milligrams per liter) or less;
- (f) Chemical Oxygen Demand: 2920 pounds per million gallons (350 milligrams per liter) or less;
- (g) Oil and Grease: 830 pounds per million gallons (100 milligrams per liter) or less;

Despite satisfying one or more of the characteristics above, if the sewage contains Substances of Concern, Priority Pollutants, toxic substances, or RCRA Listed or Characteristic Hazardous Waste, it may not be considered normal sewage.

Sewage, Sanitary: Liquid and liquid-carried wastes from the sanitary conveniences of dwellings, including apartment houses and hotels, institutions, commercial establishments, industries, office buildings and factories, and free from storm water, surface water, industrial waste and other waste.

Sewage Sludge: Any solid, semi-solid or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, Type III Marine Sanitation device pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings or ash generated during the incineration of sewage sludge.

Sewage Treatment Plant, or STP: see POTW Treatment Plant.

Sewage Treatment Plant, Small: A sewage treatment facility with a capacity of 0.5 mgd or less.

Sewer: A pipe or conduit for conveying sewage. For the purposes of this Law, manholes, joints, fittings and appurtenances to the sewer shall be included in this definition.

Sewer, Combined: A sewer designed to receive and transport both surface runoff, storm water, and sewage.

Sewer, Public: A sewer controlled by public authority.

Sewer, Sanitary: A sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewer, Storm, or Storm Drain: A sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters.

Sewerage Surcharge: The demand payment for the use of the POTW for handling any sewage, industrial wastes or other wastes accepted for admission thereto in that the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

Sewerage System: All facilities for collecting, regulating, pumping, transporting, treating and disposing of sewage and sludge.

Significant Industrial User, or SIU: see User, Significant Industrial.

Significant Noncompliance, or SNC: A user shall be in significant noncompliance if its violation(s) meet(s) one or more of the following criteria as defined in 40 CFR 403.8(f) (2)(viii):

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant

parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement that the Commissioner determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Commissioner's exercise of his emergency authority to halt or prevent such a discharge, as specified under Article X of this Law;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to report accurately any noncompliance;

(h) Any other violation(s), which may include a violation of Best Management Practices (BMP's), that the Commissioner determines will adversely affect the operation or implementation of the local pretreatment program.

Slug: Any discharge of water, sewage or industrial waste or other waste of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

Small Sewage Treatment Plant: see Sewage Treatment Plant, small.

Standard Industrial Classification, or SIC: A classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, 1987. See also North American Industry Classification System, or NAICS.

State: State of New York

State Pollutant Discharge Elimination System Permit, or SPDES Permit: A permit issued pursuant to Section 402 of the Act (33 USC 1342).

Storm Drain: see Sewer, Storm.

Substances of Concern: Those compounds that the New York State Department of Environmental Conservation has determined may be harmful to man or the environment, as amended and as may be amended in the future.

Suspended Solids: The dry weight of solids, in a sample, that either float on the surface, are in suspension, or are settleable, expressed in milligrams per liter, as determined using an approved laboratory procedure.

Total Kjeldahl Nitrogen, or TKN: The quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed in milligrams per liter, as determined using an approved laboratory procedure.

Total Toxic Organics, or TTO: The sum of all detectable Priority Pollutant organics present individually at levels greater than 0.010 milligrams per liter.

Toxic Substance: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act, or other Acts, including but not limited to, substances on the New York State list of Substances of Concern, RCRA Listed or Characteristic Hazardous Materials, or substances listed in the Clean Water Act list of Priority Pollutants. A toxic substance is also defined as any substance, whether gaseous, liquid or solid that, when discharged to a public sewer in sufficient quantities, may:

- (a) be hazardous to POTW personnel;
- (b) tend to interfere with any physical, chemical, or biological POTW process;
- (c) constitute a hazard to human beings or animals;
- (d) inhibit aquatic life;
- (e) create a hazard to recreation in the receiving waters of the effluent from the POTW plant.

Treatment, or Pretreatment: The elimination of pollutants, reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW or waters of the State. The reduction or alteration can be obtained by physical, chemical and/or biological processes, process changes, or by other means, except by dilution as prohibited by 40 CFR 403.6(d).

User: Any person who contributes, causes or permits the contribution of wastewater into the POTW.

User, Existing: A user of the POTW who is discharging on or before the effective date of this Law.

User, Industrial: Any user of the POTW who discharges non-domestic wastewater.

User, New: A user of the POTW who commences discharge after the effective date of this Law.

User, Significant Industrial, or SIU: An industrial user of the County POTW who meets any of the following criteria as defined in 40 CFR 403.3(t):

- (a) All industrial users subject to National Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
- (b) Any industrial user discharging an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW, excluding sanitary, non-contact cooling and boiler blowdown wastewater;
- (c) Any industrial user discharging a wastestream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
- (d) Any industrial user designated as a Significant Industrial User by the Commissioner, on the basis that the industrial user has a reasonable potential, alone or in combination with other discharger(s), for adversely affecting the POTW's operation, sludge quality, POTW treatment plant effluent discharge quality, POTW air emissions, or for violating any pretreatment standard.

Upon a finding that an industrial user meeting the criteria listed above has no reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement, the Commissioner may, at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a Significant Industrial User.

Violation: Failure to meet the requirements of this Law and other applicable County, State and Federal pretreatment standards and requirements. Also, failure to adhere to any order, fine or penalty administered by the Commissioner, County, State or Approval Authority.

Waste, Industrial: The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from domestic sewage.

Waste, Other: Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, bone, sand, lime, cinder ashes, and all other discarded matter not normally present in sewage or industrial waste.

Wastewater: The liquid and liquid-carried industrial or domestic wastes from dwellings, including apartment houses and hotels, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, that are conveyed to or permitted to enter the POTW.

Wastewater Discharge Permit: see Permit.

Waters of the State, or State's Waters: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the State or any portion thereof.

Water Pollution Control Plant, or WPCP: see POTW Treatment Plant.

§ 202. ABBREVIATIONS

(a) The following abbreviations shall have the meanings specified:

ASTM	American Society for Testing and Materials
BOD	biochemical oxygen demand
BETX	benzene, ethylbenzene, toluene, xylene, as components of gasoline
CFR	Code of Federal Regulations
COD	chemical oxygen demand
CWA	Clean Water Act
GPD	gallons per day
EPA	Environmental Protection Agency
lb/d	pounds per day
LEL	lower explosive limit
mgd	million gallons per day
mg/l	milligrams per liter
ml	milliliter
NPDES	National Pollutant Discharge Elimination System
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
OCSD	Oneida County Sewer District
ppm	parts per million, weight basis
POTW	publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SPDES	State Pollutant Discharge Elimination System
STP	sewage treatment plant
SWDA	Solid Waste Disposal Act, 42 USC 6901, et seq.
USC	United States Code
UST	underground storage tank
TTO	total toxic organics
TSS	total suspended solids
WPCF	Water Pollution Control Federation
WEF	Water Environment Federation (formerly WPCF)

§ 203. UNDEFINED TERMS

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

END OF ARTICLE II

ARTICLE III

USE OF COUNTY AND TRIBUTARY PUBLIC SEWERS

<i>SECTION 301</i>	<i>LIMITATION OF USE</i>
<i>SECTION 302</i>	<i>BASIS OF SEWER USER REQUIREMENT</i>
<i>SECTION 303</i>	<i>UNLAWFUL WASTE DISPOSAL</i>
<i>SECTION 304</i>	<i>UNLAWFUL WASTEWATER DISCHARGE</i>
<i>SECTION 305</i>	<i>CONNECTION TO PUBLIC SEWER REQUIRED</i>
<i>SECTION 306</i>	<i>WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA</i>
<i>SECTION 307</i>	<i>INTERMUNICIPAL AGREEMENTS</i>
<i>SECTION 308</i>	<i>MORATORIUM</i>
<i>SECTION 309</i>	<i>CONFLICTS</i>

§ 301. LIMITATION OF USE

(a) The use of the County interceptor sewers and public sewers tributary thereto shall be strictly limited and restricted, except as provided in Section 301(b) hereof, to receive and accept the discharge of sewage, industrial waste and other wastes generated on, or discharged from, real property lying within the bounds of the Oneida County Sewer District(s) as established and altered, changed, modified, reduced, enlarged, combined and/or consolidated by action of the Board of Legislators.

(b) The discharge of sewage, industrial waste and other wastes generated on, or discharged from, real property lying outside the bounds of the Oneida County Sewer District(s) into the County interceptor sewers and public sewers tributary thereto shall be made only with expressed written consent of the Commissioner, as set forth in Sections 306 and 307 of this Article.

(c) A municipality owning sewers within the bounds of the Oneida County Sewer District(s) and using the County interceptor and public sewers tributary thereto shall:

- (1) submit a user inventory on an annual basis, and upon request of the Commissioner;
- (2) be subject to restrictions on the nature, quality and volume of the contributing municipality's wastewater in sewers tributary to and at the point where they discharge to the County's interceptor sewers, as required by the Commissioner;
- (3) be subject to requirements for the monitoring of the contributing municipality's discharge, as required by the Commissioner; and
- (4) provide the Commissioner, his employees and agents access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the Commissioner.

§ 302. BASIS OF SEWER USE REQUIREMENT

(a) All requirements, directives and orders calling for the mandatory use of the County interceptor sewers or public sewers tributary thereto for the proper discharge of sewage, industrial wastes and other wastes compatible with this Law, shall be established and given by the local municipality having jurisdiction. If the respective municipality fails to enforce this Law, or the County, in its sole discretion, decides to unilaterally undertake enforcement at any time, the County shall have full authority to ensure compliance with this Law.

§ 303. UNLAWFUL WASTE DISPOSAL

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on property within the jurisdiction of the Oneida County Sewer District, any human or animal excrement, garbage or objectionable waste.

(b) It shall be unlawful for any person shall discharge sewage, industrial waste, or other waste into a well, onto the surface of the ground, or discharge it in any way that permits it to come to the surface of the ground.

§ 304. UNLAWFUL WASTEWATER DISCHARGE

(a) It shall be unlawful to discharge to any natural outlet, within Oneida County, or in any area under the jurisdiction of the County or said municipality, any wastewater or polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Law.

§ 305. CONNECTION TO PUBLIC SEWER REQUIRED

(a) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the County, and in proximity to any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense, to install suitable sanitary facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Law, within a time period specified by the Commissioner and/or applicable municipal official to do so.

§ 306. WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA; AND INTERMUNICIPAL AGREEMENTS AND PERMITS

(a) Upon the recommendation of the Commissioner, the County Executive with the approval of the Board of Legislators shall have the authority to enter into intermunicipal agreements to accept

sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW, as set forth in Section 307.

(b) When that person is a municipality, the municipality shall have enacted a sewer use law encompassing all of the rules and regulations for discharge of sewage, industrial waste and other waste, as contained in this Law.

(c) If that person is not a municipality, or the sewage, industrial waste or other waste is a scavenger waste hauled to the POTW, the discharge shall be made only with the expressed written consent of the Commissioner by the issuance of a permit setting forth the terms and conditions of such a discharge.

§ 307. INTERMUNICIPAL AGREEMENTS

(a) Upon the recommendation of the Commissioner, the approval of the County Executive and the adoption by the Board of Legislators, the County shall have the authority to enter into intermunicipal agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from municipalities outside the service area of the POTW.

(b) Prior to entering into an intermunicipal agreement, the Commissioner shall request, at a minimum, the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW;

(3) Such other information as the Commissioner may deem necessary.

(c) An intermunicipal agreement shall contain, at a minimum, the following conditions:

(1) A requirement for the contributing municipality to adopt this Law or a sewer use ordinance that is at least as stringent as this Law and local limits that are at least as stringent as those set forth in Section 503 of this Law. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the County's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on an annual basis, upon request of the Commissioner;

(3) A provision specifying that pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by

the Commissioner; and which of these activities will be conducted jointly by the contributing municipality and the Commissioner;

- (4) A requirement for contributing municipalities to provide the Commissioner with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the County's interceptor sewers;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Commissioner access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the Commissioner;
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. Should the contributing municipality have primary responsibility for permitting, compliance monitoring or enforcement, the intermunicipal agreement should specify that the Commissioner has the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action; and
- (9) Any other conditions the Commissioner may deem necessary for the inclusion in the intermunicipal agreement.

§ 308. MORATORIUM

(a) If the Commissioner determines that one or more segments of the POTW is exceeding its hydraulic or organic capacity at any time, or any specific purpose of this Law is being violated, he may recommend the implementation of a moratorium on new connections to said segment(s) until the conditions leading to the moratorium are corrected. This moratorium must be approved by the County Executive and adopted by the Board of Legislators. Such correction may entail:

- (1) construction of new facilities;
- (2) enlargement of existing facilities;
- (3) correction of inflow and/or infiltration;
- (4) cleaning and repairing of existing facilities; and/or
- (5) implementation of an Offset Plan.

§ 309. CONFLICTS

(a) In the event of any conflict between a participating municipality or municipalities, and/or users and the Commissioner, the matter shall be reviewed by the County Executive, and an opportunity shall be granted to the affected party to present its position to the County Executive.

(b) In the event of any conflict between participating municipalities and/or users and the County Executive concerning the interpretation of any part of this Law, the determination by the County Executive shall be final and conclusive unless reversed by order of a court in a proceeding commenced pursuant to Article 78 of the New York State Civil Practice Law and Rules.

END OF ARTICLE III

ARTICLE IV

DISCHARGE OF WATERS NOT CONTAINING SEWAGE

SECTION 401 STATEMENT OF POLICY REGARDING EXISTING LOCAL COMBINED SEWERS AND EXISTING STORMWATER CONNECTIONS

SECTION 402 DISCHARGE OF WATERS NOT CONTAINING SEWAGE

§ 401. STATEMENT OF POLICY REGARDING EXISTING LOCAL COMBINED SEWERS AND EXISTING STORMWATER CONNECTIONS

(a) A regrettable and vexatious situation has been brought about by the deliberate introduction of stormwater flows into the local sewers and thence into the POTW.

(b) It is an established and known fact that the sanitary sewer systems of some of the local municipalities contributing to the County interceptor sewer system include some combined sewers. Also it is known that in many areas where storm sewer systems were not available, connections of downspouts, surface drains, sump pumps and other improper connections to sanitary sewer systems were made.

(c) Existing combined systems and connections thereto, but not separate sanitary storm sewer systems and connections thereto, will be allowed to function in their present form until such time as the Board of Legislators, upon the recommendation of the Commissioner and the County Executive, agree to compel the local municipalities to alter the combined sewer system and construct separate storm and sanitary sewer systems, or modify the sewer system accordingly.

(d) This statement shall not be construed to mitigate in any way the application and enforcement of this Law against the construction of any new combined sewers and against any new or existing connections discharging stormwater to the County interceptor sewer system and public sewers tributary thereto, nor shall this statement of policy be construed to be used as a defense against any changes that may be ordered by Local, County, State or Federal regulatory agencies.

§ 402. DISCHARGE OF WATERS NOT CONTAINING SEWAGE

(a) Except with the approval of the Commissioner, or as otherwise provided in this Article, no stormwater connection from any building or yard, nor any drain from any sump pump, catch basin, lake, swamp, pond or swimming pool, nor any inlet for surface water, stormwater or groundwater of any kind shall be connected to the County interceptor sewer system or any public sewer tributary thereto or to any private sewer connected to any such public sewer. Existing facilities mentioned previously that are presently connected directly or indirectly to combined sewers may remain until such combined sewers are separated, at which time said facilities shall be disconnected.

(b) Within any area served by a separate sanitary sewer system, no stormwater shall be allowed to enter sewage, waste or vent pipes from any building. Within any such area no downspout or leader, gutter or other pipe, sump pump, drain or channel that may at any time carry stormwater, surface drainage, groundwater, or uncontaminated cooling water shall be connected with any sanitary sewer.

(c) Every joint in the connection to or of a sanitary sewer shall be made gastight and watertight, so that no leakage into or from such connection shall occur.

(d) Subject to the approval of the Commissioner, the provisions, stipulations, requirements and enforcement set forth in Section 402(a), (b) and (c) above shall be subject in the first instance to the applicable provisions, stipulations, and requirements of any existing or amended rules and regulations or codes adopted by a municipality or sewer district having jurisdiction over public sewers tributary to the County interceptor sewer system. Whenever there is a conflict between this Law and existing rules and regulations of a municipality having jurisdiction, the more stringent shall prevail.

(e) The Commissioner is empowered to require, at his discretion, from users at their own expense, analysis, studies and/or evaluations to document the source and quantity of the discharge of waters not containing sewage to sewerage systems tributary to the POTW.

END OF ARTICLE IV

ARTICLE V

DISCHARGE RESTRICTIONS

<i>SECTION 501</i>	<i>PROHIBITED MATERIALS, SUBSTANCES AND WASTES</i>
<i>SECTION 502</i>	<i>PROHIBITED TOXIC SUBSTANCES AND PATHOGENIC ORGANISMS</i>
<i>SECTION 503</i>	<i>PERMISSIBLE CONCENTRATIONS OF TOXIC SUBSTANCES</i>
<i>SECTION 504</i>	<i>MATERIALS, SUBSTANCES AND WASTES REQUIRING APPROVAL</i>
<i>SECTION 505</i>	<i>MODIFICATION TO DISCHARGE LIMITS</i>
<i>SECTION 506</i>	<i>EXCLUSION OF UNPOLLUTED WATERS</i>
<i>SECTION 507</i>	<i>ACTION BY THE COMMISSIONER</i>
<i>SECTION 508</i>	<i>AFFIRMATIVE DEFENSES</i>

§ 501. PROHIBITED MATERIALS, SUBSTANCES AND WASTES

(a) General Prohibitions: No person may introduce into the POTW any pollutant(s) or wastewater that will pass through or interfere with the operation or maintenance of the POTW. These general prohibitions as defined or modified in 40 CFR 403.5(a), and the specific prohibitions in paragraph (b) and (c) of this Section apply to each person discharging pollutant(s) or wastewater into the POTW whether or not that person is subject to other pretreatment standards or any other Federal, State or local pretreatment requirements.

(b) Specific Prohibitions: Without limiting the generality of the foregoing, the following substances, as listed or modified in 40 CFR 403.5(b), shall not be introduced into the POTW:

- (1)** pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
- (2)** pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0 or greater than 12.5;
- (3)** solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference;
- (4)** any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause pass through or interference with the POTW;
- (5)** heat in amounts that will inhibit biological activity in the POTW resulting in pass through or interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees F (40 degrees C);

(6) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) pollutants that result in the presence of malodorous, noxious or toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

(8) any trucked or hauled pollutants, except as permitted at discharge points designated by the Commissioner.

(c) Additional POTW-Specific Prohibitions: Except as hereinafter provided, no person shall discharge or cause to be discharged into any County interceptor sewer or public sewer tributary thereto, or any private sewer connecting with a public sewer, any of the following materials, substances or wastes:

(1) solid or viscous substances, in quantities or of such size or state capable of causing obstruction to the flow in sewers, or interference with the proper operation of the POTW. Such prohibited substances include, but are not limited to: fats, oils, greases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, plastics, wood, unground garbage, whole blood, paunch manure, feathers, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; unless explicitly allowable by written permit and provided such discharge does not cause pass through or interference at the POTW or problems within the County's interceptor sewers or public sewers tributary thereto;

(2) any solids, liquids or gases that, either singly or by interaction with other substances, are or may be sufficient to cause fire or explosion, or be injurious or interfere in any way with the POTW, or to constitute a hazard to humans or animals, or to create a public nuisance, or to create any hazards in the receiving waters of a sewage treatment plant effluent, or exceed the limitation set forth in a Categorical Pretreatment Standard. Such prohibited materials include, but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, ethylbenzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substances that the County, State or USEPA has determined to be a fire hazard, or hazard to the POTW or its personnel; unless explicitly allowable by written permit and provided such discharge does not cause pass through or interference at the POTW or cause a fire or explosive hazard;

(3) any substances that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW be permitted to cause the POTW to be in noncompliance with its sludge use or disposal process pursuant to the Clean Water Act, Solid Waste Disposal Act, the Toxic Substances Control Act, or other Federal or State criteria applicable to the sludge management method being used; and

(4) any substance that will cause the POTW to violate its SPDES permit limitations, the receiving water quality standards, or any other regulations or permit conditions imposed on the POTW by regulatory agencies.

§ 502. PROHIBITED TOXIC SUBSTANCES AND PATHOGENIC ORGANISMS

(a) The following is a partial list of toxic substances and pathogenic organisms, the discharge of which into the County interceptor sewer system or public sewers tributary thereto is hereby prohibited, unless their concentration:

(1) is reduced by treatment at the source to a point that will meet the objectives stated in Sections 102 and 103 of this Law or come within the applicable standards set forth elsewhere in this Article;

(2) will not adversely affect any of the biological, chemical or physical POTW processes; or

(3) will not adversely affect the receiving water after discharge from any point in the POTW:

- (a) antibiotics;
- (b) arsenic and arsenicals;
- (c) benzene, ethylbenzene, toluene and xylene;
- (d) bromine, iodine, chlorine;
- (e) copper and copper salts;
- (f) cresols or creosotes;
- (g) fluorides;
- (h) formaldehyde;
- (i) mercury and mercurials;
- (j) phenolic compounds;
- (k) silver and silver compounds;
- (l) sulfonamides, toxic dyes (organic or mineral);
- (m) zinc compounds;
- (n) all strong oxidizing agents such as chromates, dichromates, permanganates, peroxides, etc.;
- (o) chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation, or reduction;
- (p) strong reducing agents such as nitrites, sulfides, sulfites, thiosulphates, etc.;
- (q) wastes from industrial processes or hospital procedures containing viable pathogenic organisms;
- (r) NYSDEC Substances of Concern;
- (s) RCRA Listed or Characteristic Hazardous Waste (40 CFR Parts 261-272); and
- (t) CWA Priority Pollutants.

(b) The above list shall not be deemed all-inclusive and the Commissioner may add or revise the same whenever he deems it advisable.

§ 503. PERMISSIBLE CONCENTRATIONS OF TOXIC SUBSTANCES

(a) The daily average concentration in sewage of any of the following toxic substances shall not exceed those concentrations judged by the Commissioner to be toxic to biological sewage treatment processes or to the biota of the receiving waters, and shall not, in any case, exceed the limits specified below, as measured in a daily 24-hour composite sample of a continuous discharge, a grab sample of a batch discharge, or a composite sample representing the normal wastewater generation for discharges that are not continuous. These limits apply at the point where the wastewater is discharged to the sewer. These limits may be made more stringent by the Commissioner whenever operating experience indicates that this is necessary or are superseded by Federal Categorical Pretreatment Standards when and if such Federal standards are more stringent. These limits shall not be applicable to scavenger wastes from domestic septage.

<u>Toxic Substance</u>	<u>Permissible Concentration</u>
Arsenic	1.0 mg/l
Bis(2-ethylhexyl)phthalate	*
Cadmium	1.0 mg/l
Chromium, total	5.0 mg/l
Copper	3.0 mg/l
Cyanide	3.0 mg/l
Lead	5.0 mg/l
Mercury	*
Nickel	2.0 mg/l
Silver	5.0 mg/l
Zinc	4.0 mg/l

* Specific discharge limits shall be set in individual user permits based upon maximum allowable headworks loadings (MAHLs) for the POTW. Permissible concentrations shall be allocated to industrial users in proportion to each industrial user's current loading .

(b) The method and type of sampling shall be determined by the Commissioner based on the industry's type of operation and the sampling and analysis requirements of the National Pretreatment Program as listed in 40 CFR 403.12(b)(5).

(c) To assure that the above noted limitations are not violated, the Commissioner shall issue permits to Significant Industrial Users specifying limits for the discharge of the substances noted above and any other pollutants of concern specifically related to the industrial activities conducted by the user. Industries subject to Categorical Standards shall comply with the more stringent of the Categorical Standards and the limits set forth above.

§ 504. MATERIALS, SUBSTANCES AND WASTES REQUIRING APPROVAL

(a) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes unless it is the opinion of the Commissioner that such discharge will not

adversely affect the POTW, POTW treatment plant, sewage treatment processes, receiving stream, sludge disposal options, or otherwise endanger human and animal life, limb, public property, or constitute a nuisance. The substances, materials and wastes listed below are subject to the approval of the Commissioner.

(1) Wastes from the following industrial processes may require pretreatment and/or approval before discharge into the County interceptor sewer system and public sewers tributary thereto: baking, brewing, distilling, public laundering, laundromats, soap making, glue manufacturing, meat packing, food processing, wool scouring, bleaching and dyeing, munitions manufacturing, oil refining, wool washing, rubber production, salt works, slaughterhouses, dairies, dairy products, sugar refining, fat rendering, manufacture of syrups, jam or jelly, cotton textile manufacture or processing, or any industrial process producing wastes with strong acid or alkaline reactions or that will form deposits in or cause damage to the POTW. Refer to Section 601 of this Law for additional users subject to pretreatment requirements. The process or processes employed in the pretreatment of such wastes shall in each case be satisfactory to, and shall have the written approval of, the Commissioner, as set forth under Article IX.

(2) Wastes generated from underground storage tank (UST) remediation can only be discharged after approval of the Commissioner. The contents of a leaking UST may have to be hauled away, with on-site treatment of the surrounding groundwater. The treated groundwater may be accepted for discharge into the County sewer system at the discretion of the Commissioner, provided that:

(a) the waste is not prohibited as set forth in this Article;

(b) the headspace lower explosive limit (LEL) of the treated groundwater is less than 10%; and

(c) the total toxic organics (TTO) and/or the benzene-ethylbenzene-toluene-xylene (BETX) is less than 2 mg/l.

(3) Wastes from automotive service areas and car washes may require pretreatment to keep the oil and grease levels below 100 mg/l and to prevent excessive discharges of inert solids. The process or processes employed in the pretreatment of such waste must be satisfactory to meet all effluent requirements imposed by the Commissioner.

(4) Wastes from Superfund site cleanup operations may be accepted at the discretion of the Commissioner provided that documentation is provided that the waste is no longer classified hazardous or toxic and meets all the requirements of this Law. The POTW will not accept, under any circumstance, RCRA defined hazardous or toxic waste by truck, rail or dedicated pipe.

(5) any liquid, solid, vapor or gas having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade) or any liquid, solid or vapor that will cause the temperature of the influent to the POTW treatment plant to be greater than 104 degrees F (40 degrees C). The

Commissioner reserves the right, in certain instances, to prohibit wastes at temperatures lower than 150 degrees F (65 degrees C).

(6) any commercial, industrial or institutional waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances that may solidify or become appreciably viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C).

(7) any waters or wastes containing strong acid metal pickling waste, or concentrated plating solutions, whether neutralized or not.

(8) any waters or wastes containing toxic substances, pathogenic organisms, or similar objectionable material, as specified under Section 502 of this Law.

(9) any waters or wastes containing phenols, or other taste or odor producing substances, in concentrations exceeding limits as may be established by the Commissioner.

(10) any radioactive wastes, fission products or isotopes except as approved by the Commissioner, and in compliance with applicable State and Federal regulations. The active elements and their local concentration permitted to be discharged into the public sewers shall be based upon the latest knowledge available in this technology and be at all times within limits set by this and other County, State and Federal agencies.

(11) Materials that contain or cause:

(a) concentrations of inert suspended solids greater than that found in normal sewage, such as but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate;

(b) excessive discoloration of the POTW or in the receiving waters, such as but not limited to, dye wastes and vegetable tanning solutions; or

(c) suspended solids, biochemical oxygen demand, chemical oxygen demand, ammonia, total Kjeldahl nitrogen, or chlorine demand, in concentrations exceeding those found in normal sewage, except as provided for elsewhere in this Article.

(12) waters or wastes containing substances that are not amenable to treatment or reduction in concentration by the sewage treatment plant processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.

(13) any slug discharges.

(14) any wastes that give a combustible gas meter reading of greater than 10% of the lower explosive limit (LEL) for the average of at least four consecutive grab samples taken in a

24-hour period, or a single reading of greater than 15% of the LEL. This is a head space measurement made subsequent to vigorous agitation of a 500 ml bottle that is halfway filled with waste. The Commissioner reserves the right to prohibit waste at lower LEL readings.

(15) any waste with a total toxic organic concentration greater than 2.0 mg/l calculated as the sum of all detectable Clean Water Act Priority Pollutant organics present individually at levels greater than 0.010 mg/l.

§ 505. MODIFICATION TO DISCHARGE LIMITS

(a) Combined Wastestream Formula: Where the process effluent of an industrial process subject to Categorical Pretreatment Standards is mixed, prior to treatment, with wastewaters other than those generated by the regulated process(es), fixed alternative discharge limits may be derived by the Commissioner or by the industrial user with the written concurrence of the Commissioner, in accordance with the procedures described in 40 CFR 403.6(e). These modified discharge limits shall be applied to the mixed effluent discharge.

(b) Fundamentally Different Factors Variance: Where the Commissioner deems it necessary, the limits defined by Categorical Pretreatment Standards may be adjusted on a case-by-case basis, making them either more or less stringent. This may be done if data specific to the industrial user indicates it presents factors fundamentally different from those considered by USEPA in developing the limit at issue. Modification to concentration limits for fundamentally different factors shall be as prescribed in 40 CFR 403.13. Applications for fundamentally different variances must be submitted to USEPA Region 2 in accordance with 40 CFR 403.13 (g) and (h).

(c) Net/Gross Determination: Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR 403.15. Any industrial user wishing to obtain credit for intake pollutants shall make application to the Commissioner, and the applicable pretreatment standard may be calculated on a net basis, provided that the requirements and provisions of the Act are met.

(d) General Modifications:

- (1) When the volume or character of a single industrial waste discharge, the combined industrial waste discharge, or a group of industries within a single contributory area is such that it raises a question of the ultimate concentration or mass of pollutants discharged to the POTW, and whether they will be effectively removed by the POTW treatment plant without causing deleterious effects to the POTW, receiving waters or sludge disposal options, the Commissioner may impose separate or special discharge limits upon the contributors of such discharge.
- (2) Limitations on wastewater strength contained in Sections 501, 502, 503 and 504 of this Law may be supplemented with more stringent limitations or limits for additional pollutants not listed in said Sections when, in the opinion of the Commissioner:

- (a) the limitations in this Law are not sufficient to protect the POTW;
- (b) the limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit;
- (c) the POTW sludge will be rendered unacceptable for treatment, processing, disposal or reuse as the County desires;
- (d) POTW workers or the public will be endangered; or
- (e) air pollution and/or groundwater pollution will be generated.

§ 506. EXCLUSION OF UNPOLLUTED WATERS

(a) No person shall discharge or cause to be discharged into any County interceptor sewer system or public sewer tributary thereto any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water except as provided in Article IV of this Law.

§ 507. ACTION BY THE COMMISSIONER

(a) If any waters or wastes are discharged or are proposed to be discharged to the County interceptor sewers or public sewers tributary thereto, that contain the substances or the characteristics enumerated in Section 504 of this Article, and that, in the judgement of the Commissioner may have a deleterious effect upon the sewage works, processes, equipment, receiving waters or sludge disposal options, or that may otherwise create a hazard to life, or constitute a public nuisance, the Commissioner may:

- (1) reject the waters or waste;
- (2) initiate an enforcement action;
- (3) require pretreatment to an acceptable condition for discharge to the public sewers;
- (4) require control over the quantities and rates of discharge;
- (5) require payment to cover the added cost of handling and treating the waters or wastes; and/or
- (6) issue a wastewater discharge permit stating specific requirements for discharge to the POTW.

Notes: See Article IX, "Discharge Permits and Reporting Requirements."

See Article XI, Section 1103 " Sewerage Surcharge."

§ 508. AFFIRMATIVE DEFENSES

(a) A user shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established in Sections 501(a) or 501(b)(3) through (7) of this Law, where the user can demonstrate that:

(1) it did not know or have reason to know that its discharge, alone or in conjunction with discharge(s) from other sources, would cause pass through or interference at the POTW; and

(2) a local limit designed to prevent pass through or interference, as the case may be, was developed in accordance with 40 CFR 403.5(c) for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference at the POTW.

(3) a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with 40 CFR 403.5(c) for the pollutant(s) that caused the pass through or interference, and the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

END OF ARTICLE V

ARTICLE VI

PRETREATMENT REQUIREMENTS

<i>SECTION 601</i>	<i>PRETREATMENT REQUIREMENTS</i>
<i>SECTION 602</i>	<i>NATIONAL CATEGORICAL PRETREATMENT STANDARDS</i>
<i>SECTION 603</i>	<i>STATE REQUIREMENTS</i>
<i>SECTION 604</i>	<i>COUNTY'S RIGHT OF REVISION</i>
<i>SECTION 605</i>	<i>ACCIDENTAL SPILLS AND SLUG DISCHARGES</i>
<i>SECTION 606</i>	<i>DILUTION PROHIBITED</i>
<i>SECTION 607</i>	<i>GREASE, OIL AND SAND INTERCEPTORS</i>

§ 601. PRETREATMENT REQUIREMENTS

(a) The County has the responsibility to implement and enforce the pretreatment program to control discharges from all users pursuant to the requirements set forth in 40 CFR Part 403. All users shall provide necessary wastewater treatment as required to comply with this Law and shall achieve compliance with all National Pretreatment Standards and requirements within the time limitations as specified by the Act and this Law. All facilities required for pretreatment of wastewater to a level acceptable to the Commissioner shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures may be required by the Commissioner for review, and shall be acceptable to the County before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Commissioner under the provisions of this Law. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and shall be acceptable to, the Commissioner prior to the user's initiation of said changes.

(b) There shall be no bypass of the pretreatment facilities that would allow the entry of untreated or partially treated wastes to the POTW.

(c) All records of any monitoring activities, whether or not related to this Law, shall be made available to officials of the County, NYSDEC and USEPA, and shall be kept in accordance with the requirements of Section 903(l) of this Law.

§ 602. NATIONAL CATEGORICAL PRETREATMENT STANDARDS

(a) National Categorical Pretreatment Standards, as set forth in 40 CFR Parts 405 through 471, inclusive, are hereby incorporated into this Law. Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory or promulgation of General Pretreatment regulations, the National Standard, if more stringent than the limitations imposed

under this Law, shall immediately supersede the limitations imposed under this Law. The Commissioner shall notify all affected users of the applicable reporting and pretreatment requirements as set forth in 40 CFR 403.6, 403.12, 403.13, and 403.15. National Pretreatment Standards, unless specifically noted otherwise, shall be in addition to the general prohibitions established in Section 501(a) of this Law.

§ 603. STATE REQUIREMENTS

(a) State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Law.

§ 604. COUNTY'S RIGHT OF REVISION

(a) The County, through the Commissioner, reserves the right to establish more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Sections 102 and 103 of this Law.

§ 605. ACCIDENTAL SPILLS AND SLUG DISCHARGES

(a) Each user shall provide protection against accidental spills and slug discharges of materials and substances regulated by this Law. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

(b) The Commissioner will evaluate whether each Significant Industrial User needs a plan to control slug discharges at least every two (2) years. The results of such activities shall be available to the Approval Authority upon request. If the County decides that a slug control plan is needed the plan shall contain, at a minimum, the following elements:

- (1) a description of discharge practices, including non-routine batch discharges;
- (2) a description of stored chemicals;
- (3) procedures for immediately notifying the POTW of slug discharges, including, but not limited to, any substance regulated under Article V of this Law, and procedures for follow-up, written notification within five (5) days; and
- (4) if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of 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.

(c) Immediate Notice: In the case of an accidental spill or slug discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken, underway, or planned.

(d) Written Notice: Within five (5) days following an accidental spill or slug discharge, the user shall submit to the Commissioner a detailed written report describing the cause of the discharge and the measures taken or planned by the user to correct the condition and prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, fish kills, or any other harm to persons, property, or the environment; nor shall such notification relieve the user of any fines, civil penalties, or other liability that may be imposed by this Law or other applicable laws.

(e) Notice to Employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising the employees whom to call in the event of an accidental spill or slug discharge. Employers shall ensure that all employees who may cause or suffer from such discharge are advised of the emergency notification procedure.

§ 606. DILUTION PROHIBITED

(a) Except where expressly authorized to do so by an applicable pretreatment standard, no user shall 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 National Pretreatment Standards, or in any other pollutant specific limitation developed by the County or State.

§ 607. GREASE, OIL AND SAND INTERCEPTORS

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances. All interceptors shall be located so as to be easily accessible for cleaning and inspection.

(b) Dishwasher discharge shall not be allowed to pass through any of the aforementioned interceptors.

(c) Such interceptors shall be monitored and maintained regularly by the user, at their expense, and remain in satisfactory and effective operation. Such facilities must be serviced when the grease and bottoms exceed twenty-five (25) percent of the volume of the device.

(d) Interceptors shall not be required for private living quarters or private dwellings.

END OF ARTICLE VI

ARTICLE VII

DISCHARGE OF SCAVENGER WASTES

<i>SECTION 701</i>	<i>PERMIT REQUIRED FOR DISCHARGE OF SCAVENGER WASTES</i>
<i>SECTION 702</i>	<i>CONDITIONS FOR DISCHARGE OF SCAVENGER WASTES</i>
<i>SECTION 703</i>	<i>REGULATIONS RELATING TO SCAVENGER WASTE PERMITS</i>
<i>SECTION 704</i>	<i>CHARGES FOR PERMITS AND DISCHARGE OF SCAVENGER WASTES</i>

§ 701. PERMIT REQUIRED FOR DISCHARGE OF SCAVENGER WASTES

(a) The County is under no obligation to accept scavenger waste. Individual loads and waste types can be rejected at the discretion of the Commissioner. The Commissioner also can suspend or revoke hauler permits and suspend any or all deliveries of scavenger waste to the POTW for any time period deemed necessary.

(b) The discharge of scavenger wastes into the County POTW will be allowed only with the written approval of the Commissioner. Persons desiring to discharge scavenger wastes into the POTW shall be required to obtain a permit from the Commissioner.

(c) Scavenger wastes under this Article shall mean all liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Scavenger wastes shall also mean sludge from small sewage treatment plants, leachate from landfills, and treated waste from ground water cleanup operations.

(d) Scavenger waste shall not have been contaminated with Substances of Concern or Priority Pollutants and shall not meet the definition of a RCRA listed or Characteristic Hazardous Waste. Prohibited waste includes, but is not limited to, any waste classified as hazardous waste, and waste with excessive amounts of sand, grit or grease, such as waste from the cleaning of anaerobic digesters, catch basins, storm drains, grease traps, scum collection pits and solids from sludge lagoons.

(e) The discharge scavenger waste from sources outside of Oneida or Herkimer Counties is prohibited unless recommended by the Commissioner and approved by the County Executive and the Board of Legislators.

§ 702. CONDITIONS FOR DISCHARGE OF SCAVENGER WASTES

(a) The discharge of scavenger wastes shall be made only at a location as stated on said permit or as may be relocated by the Commissioner in writing. The time and conditions for permissible discharge shall be set forth on the permit or as may be revised by the Commissioner in writing.

(b) The metals concentration (ug/g dry weight) in any single load of hauled sewage sludge shall not exceed 1.5 times the current annual average metals concentration of the POTW sludge. This metals concentration for sludge has been adopted as an alternative criteria to insure that the POTW sludge does not become contaminated with heavy metals while, at the same time, recognizing that pollutants are usually more concentrated in scavenger waste than in typical domestic wastewater.

(c) Exclusive of domestic septage, scavenger waste from commercial sources, industrial sources, landfill leachate, treated waste from groundwater cleanup operations, and scavenger waste from domestic sources that are commingled with non-domestic sources, must meet the requirements in Article V, including the local limits listed in Section 503 (a), and any other requirement deemed necessary as a condition of a Waste Hauler Permit.

(d) Waste haulers are prohibited from discharging waste which would violate any prohibited discharge standards of 40CFR 403.5 (a) and (b), General Pretreatment Regulations, or any local prohibited discharges.

§ 703. REGULATIONS RELATING TO SCAVENGER WASTE PERMITS

(a) **Waste Generator Permit:** The applicant for a waste generator permit shall be the owner of any waste source other than an individual domestic septic tank, chemical toilet or cesspool. A waste generator permit shall be issued by the Commissioner, and is required for all landfill leachate, small treatment plants, municipal and industrial wastes, and other wastes as determined by the Commissioner, hauled to and discharged into the County POTW.

(b) **Waste Hauler Permit:** The applicant for a waste hauler permit shall be the owner of the vehicle or vehicles to be used to transport scavenger waste for a generator or the hauler of waste from individual domestic septic tanks, chemical toilets and cesspools. A waste hauler permit shall be issued by the Commissioner, and is required for all haulers who transport scavenger waste to and discharge scavenger waste into the County POTW. The hauler permittee shall also be duly permitted by the State of New York under 6 NYCRR Part 364.

(c) Any false or misleading statement in any application for a permit will invalidate the permit. All permits issued by the Commissioner shall be valid for one (1) year from the date of issuance. If for any reason, the hauler's 6 NYCRR Part 364 permit is revoked, lapses or becomes invalid, then the County permit issued under this Article shall become invalid immediately.

(d) All acts performed in connection with the permit shall be subject to the inspections and requirements as established by the Commissioner, the terms and conditions of the permit, this Law and all local, State, Federal, and general laws, ordinances and regulations that are now or may come

into effect, and such permits may be amended, suspended, or revoked at any time by the Commissioner without prior notice.

(e) Noncompliance with any term, condition, or standard of a permit shall constitute a violation of this Law. Civil and criminal fines and penalties up to the maximum amount specified by this Law may be assessed for each violation, as set forth under Article X.

§ 704. CHARGES FOR PERMITS AND DISCHARGE OF SCAVENGER WASTES

(a) There may be a charge for waste generator and waste hauler permits, as established by the Commissioner and approved by the Oneida County Board of Legislators in the Oneida County Sewer District Rate Schedule. In addition to a possible permit fee, a charge shall be levied based on the quantity and type of wastes discharged, at rates specified in the current rate schedule as approved by the County Board of Legislators.

(b) As deemed appropriate by the Commissioner, scavenger wastes from industrial users may be sampled and analyzed. Should the Commissioner determine sampling and analysis is appropriate, the industry shall be responsible for the cost and expense of sampling and analysis in addition to the scavenger waste fees in effect at the time of discharge.

(c) Charges for generators of municipal, industrial, and non-domestic wastes will be billed directly to the holder of the generator permit rather than the hauler who transports the waste, unless alternative arrangements are made in advance with the County.

(d) Charges for individual household septage, chemical toilet and cesspool sludge will be billed to the hauler rather than the individual homeowner.

(e) Haulers and generators will be billed on a monthly basis and amounts payable shall be due within 30 days.

END OF ARTICLE VII

ARTICLE VIII

TERMS AND CONDITIONS FOR CONNECTION OF SEWERS

<i>SECTION 801</i>	<i>SEWERS AND CONNECTIONS</i>
<i>SECTION 802</i>	<i>APPROVAL OF CONNECTIONS</i>
<i>SECTION 803</i>	<i>ADDITIONAL REQUIREMENTS FOR CONNECTION</i>
<i>SECTION 804</i>	<i>ABANDONMENT OR DEMOLITION OF SEWERS</i>

§ 801. SEWERS AND CONNECTIONS

(a) The Commissioner is empowered to develop and modify, at his discretion, construction and design standards for sewers that are owned by the County. Such standards shall be based on current industry standard and practice, and be established to protect the long-term integrity and viability of the POTW infrastructure.

(b) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk or other designated authority of the municipality in which the connection is made. Copies of these permits must be forwarded to the Commissioner within thirty (30) days of their issuance. If the connection is made directly to a County interceptor sewer, written permission must also be obtained from the Commissioner. Discharge of sewage shall not be made until all conditions stipulated for connection are fulfilled and all necessary equipment is installed and operable, and approved in accordance with Section 802 of this Article.

(c) In addition to any municipal approvals, the Commissioner is empowered, at his discretion, to exercise approval authority for all new residential and non-residential connections.

(d) Applications for approval shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner.

(e) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the County, and the municipality into whose sewer system the connection is made, from any loss, damage or expense, claims or suits arising out of or in connection with the installation and connection of the building sewer.

(f) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on the same lot, no private sewer is available or can be constructed to the rear building, and the whole must be considered as one building sewer with separate permits for each building.

(g) Old building sewers may be used in connection with new buildings only when, on examination and test by the sewer or building inspector of the municipality in which the connection is made,

they are found to meet all requirements of applicable municipal code and this Law. Where cesspools or septic tanks are to be discontinued following connections to a public sewer, the owner shall have these cesspools or septic tanks promptly emptied, cleaned and back filled with earth, sand or other acceptable material.

(h) The size, slope, alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall each conform to the requirements of the building and plumbing codes, and all applicable rules and regulations of the County, and the municipality in which the connection is made.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and all applicable rules and regulations of the County, and the municipality in which the connection is made. In the absence of plumbing codes and/or applicable rules and regulations of the municipality in which a sewer connection is made or in amplification thereof, the materials and procedures set forth in the Construction and Design Manual for Oneida County Sewers shall apply. The design and construction procedures in this document are based on:

(1) "Recommended Standards for Sewage Works" as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers (also known as the "Ten State Standards");

(2) specifications of the ASTM;

(3) WEF "Manual of Practice No. 9"; and

(4) conformance with the requirements of NYSDEC.

In case of a conflict, the more stringent provision shall apply.

(j) All sewer construction involving County owned sewers shall comply with the standards set forth in the Construction and Design Manual for Oneida County Sewers. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation.

(k) 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 service is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building service shall be lifted by means approved by the building or sewer inspector of the municipality in which the connection is being made, and discharged into the building sewer. The cost thereof shall be borne by the owner.

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

(m) No person shall make connection of a sanitary sewer to a separate storm sewer.

(n) All excavations for building sewer installation shall be adequately guarded with barricades and lights 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 County, and the municipality in which construction is taking place.

(o) "As-Built" drawings of the sewer connection shall be provided to the County for construction involving County sewers or projects requiring County approval.

§ 802. APPROVAL OF CONNECTIONS

(a) All connections to the POTW shall be subject to approval and inspection by the building, sewer or other designated inspector of the municipality in which the connection is made. If the connection is made directly to a County interceptor sewer, the connection shall be subject to approval of, and inspection by, the Commissioner. Twenty-four (24) hours before any connection shall be covered, it shall be the duty of the applicant to notify the Oneida County Department of Water Quality and Water Pollution Control that the connection is ready for inspection and such connection shall not be covered until it has been inspected and approved by a County and/or municipal representative, as appropriate. All sewer construction involving County owned sewers shall comply with the standards set forth in the Construction and Design Manual for Oneida County Sewers.

(b) In addition to City, Village and Town approvals, the Commissioner is empowered, at his discretion, to exercise approval authority for all new residential and non-residential connections.

Applications for approval shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner.

§ 803. ADDITIONAL REQUIREMENTS FOR CONNECTION

(a) The issuance of a permit for the making of a connection shall not relieve the permittee or any person presuming to act under authority of such permit, from obtaining any additional permits required by law, ordinance or regulation, for the opening of streets or roads, the construction of buildings or the like.

§ 804. ABANDONMENT OR DEMOLITION OF SEWERS

(a) In the event that a building that is connected to the County POTW, or a city, village or town sewer is to be abandoned or demolished, or if the certificate of occupancy is withdrawn, the building sewer connection is to be disconnected at the property line. The connection to the public sewer is to be plugged with a watertight plug in a prescribed in the Construction and Design Manual for Oneida County Sewers. The sewer is to be disconnected, plugged and inspected prior to the start of any other work on the site.

END OF ARTICLE VIII

ARTICLE IX

DISCHARGE PERMITS AND REPORTING REQUIREMENTS

SECTION 901	PERMIT REQUIRED FOR WASTEWATER DISCHARGE
SECTION 902	WASTEWATER DISCHARGE PERMITS
SECTION 903	REPORTING REQUIREMENTS FOR PERMITTEE
SECTION 904	COMPLIANCE SCHEDULES
SECTION 905	MONITORING FACILITIES (CONTROL MANHOLES)
SECTION 906	MONITORING AND ANALYSIS REQUIREMENTS
SECTION 907	INSPECTION OF SITE AND FACILITIES
SECTION 908	CONFIDENTIAL INFORMATION
SECTION 909	FEES

§ 901. PERMIT REQUIRED FOR WASTEWATER DISCHARGE

(a) A Significant Industrial User shall not discharge wastewater to the POTW without having a valid wastewater discharge permit issued by the Commissioner. All users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law, and is subject to the enforcement and penalties set forth in Article X of this Law.

(b) **General Permits:** All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. The Commissioner may issue wastewater discharge permits to any other users of the POTW. The Commissioner may issue groundwater cleanup permits, waste hauler permits, waste generator permits, and any other permits as may be necessary to regulate wastewaters and wastes subject to this Law.

(c) **Wastewater Discharge Reports:** As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal laws, each industrial user shall be required to notify the Commissioner of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Waste Survey (IWS) form to the Commissioner. The Commissioner may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Commissioner deems necessary. All information shall be furnished by the user in complete cooperation with the Commissioner.

(d) **Notification to Industrial Users:** The Commissioner shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements of the Clean Water Act, and Subtitles C and D of RCRA.

§ 902. WASTEWATER DISCHARGE PERMITS

(a) Permit Application: Users required to obtain a wastewater discharge permit shall complete and file with the County an application in the form prescribed by the County and accompanied by a fee set forth in the Oneida County Sewer District Rate Schedule. New users shall apply at least ninety (90) days prior to connecting to or discharging to the POTW. In support of any application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) name, address, and location of discharge source (if different from the address);
- (2) SIC and/or NAICS code for any industrial and/or categorical process;
- (3) wastewater constituents and characteristics including, but not limited to, those mentioned in Articles V of this Law, as determined using an approved laboratory procedure and performed by a laboratory certified by NYSDOH and approved by the Commissioner;
- (4) time and duration of discharge;
- (5) average daily and peak daily wastewater flow rates in gallons per day, including daily, weekly, monthly and seasonal variations, if any, for the following:
 - (a) any regulated process stream; and
 - (b) any other streams as necessary to allow use of modified discharge limits as defined in Section 505 of this Law;
- (6) site plans, floor plans, mechanical and plumbing plans, and details to show pretreatment facilities, if any, and all sewers, sewer connections, and appurtenances by size, location and elevation;
- (7) description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged to the POTW;
- (8) each product produced by type, amount, process or processes, and rate of production;
- (9) type and amount of raw materials processed, as average and maximum per day;
- (10) number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;
- (11) the nature and concentration, or production and mass where requested by the Commissioner, of any pollutants in the discharge that are limited by any County, State or Federal standards, in accordance with the procedures outlines in Section 906, and a statement regarding whether or not the standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or pretreatment is required for the user to meet all applicable pretreatment standards;

(12) if additional pretreatment and/or operation and maintenance will be required to meet applicable standards, then the industrial user shall prepare and provide a compliance schedule, as set forth in Section 904 of this Law, to accomplish such pretreatment and/or operation and maintenance;

(13) a list of environmental permits held by the facility;

(14) identification of the pretreatment standards that are applicable to each regulated process; and

(15) any other information as may be deemed by the Commissioner to be necessary to evaluate the permit application.

The Commissioner will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County may issue a wastewater discharge permit subject to terms and conditions provided herein.

(b) Permit Modifications: Wastewater discharge permits may be modified by the Commissioner, upon thirty (30) days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

(1) promulgation of an applicable National Categorical Pretreatment Standard;

(2) revision of, or a grant of a variance from, such Categorical Pretreatment Standards as per Section 505 of this Law, or pursuant to 40 CFR 403.6(e), 403.13, or 403.15;

(3) changes in discharge prohibitions and local limits set forth in Article V of this Law;

(4) changes in processes used by the permittee, or changes in discharge volume or character;

(5) changes in design, capacity or capability of any part of the POTW;

(6) discovery that the permitted discharge causes or contributes to pass through or interference; and

(7) changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as set forth in Section 904 of this Law.

(c) Permit Conditions: Wastewater discharge permits shall be expressly subject to all the provisions of this Law and all other applicable regulations, user charges and fees established by the County. Permits may contain the following:

- (1)** the unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (2)** limits on the wastewater constituents and characteristics expressed as concentration or mass discharge limits and including Best Management Practices (BMP's) based on pretreatment standards;
- (3)** limits on the average and maximum rate and time of discharge, or requirements for flow regulation and/or equalization;
- (4)** requirements for installation and maintenance, in safe condition, of monitoring facilities as set forth in Section 905 of this Law;
- (5)** specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
- (6)** compliance schedules, as defined in Section 904 of this Law;
- (7)** requirements for submission of technical reports or discharge reports, as set forth under Section 903 of this Law;
- (8)** requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by Section 903(l) of this Law and affording the Commissioner access thereto;
- (9)** requirements for notification of the County 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, including changes in hazardous waste discharges as required by 40 CFR 403.12(p) and Section 903(f) of this Law;
- (10)** requirements for the notification of the County of any change in the manufacturing and/or pretreatment process used by the permittee;
- (11)** requirements for notification of excessive, accidental, or slug discharges, including requirements to control slug discharges if determined by the Commissioner to be necessary. Where necessary, a slug control plan must be developed, as defined in Section 605 of this Law;
- (12)** signatory requirements as defined in 40 CFR 403.12(l); and
- (13)** other conditions as deemed appropriate by the County to ensure compliance with this Law, and State and Federal laws, rules and regulations.

(d) Permit Duration: Permits shall be valid for a specified time period, not to exceed five (5) years from the date of issue. A permit may be issued for a period less than five (5) years at the discretion of the Commissioner.

(e) Permit Reissuance: A user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. When the permittee has made a timely and sufficient application for the renewal or modification of a permit, the existing permit does not expire until the permit application has been finally approved or denied by the Commissioner. The terms and conditions of the permit may be subject to modification by the Commissioner during the term of the permit, as identified in this Section or Section 505 of this Law, or modified if other just cause exists. The user shall be informed of any proposed modifications in his permit at least thirty (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 set forth in Section 904 of this Law.

(f) Permit Transfer: A wastewater discharge permit is issued to a specific user for a specific operation. 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 without the written approval of the Commissioner. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit(s).

(g) Permit Revocation: A wastewater discharge permit may be revoked for the following reasons, including but not limited to:

- (1) falsifying self-monitoring reports;
- (2) tampering with monitoring equipment;
- (3) refusing to allow timely access by POTW workers, the USEPA or NYSDEC to the industrial premises;
- (4) failure to pay fines;
- (5) failure to pay user charges;
- (6) failure to meet effluent limitations or requirements; and
- (7) failure to meet compliance schedules.

§ 903. REPORTING REQUIREMENTS FOR PERMITTEE

(a) All reporting requirements of the National Pretreatment Program, as set forth in 40 CFR 403.12, shall apply to all industrial users of the POTW.

(b) Baseline Report: Within one hundred eighty (180) days after promulgation of an applicable National Categorical Pretreatment Standard, a user subject to such standard(s) shall submit to the

Commissioner, the information specified in Section 902(a)(1) through (15) of this Law. In the case of a new source, this information shall be submitted at least ninety (90) days prior to commencement of discharge to the POTW.

(c) 90-Day Compliance Report: Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the discharge of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Commissioner, a report indicating the nature and concentration, or production and mass where required by the Commissioner, of all pollutants discharged from the regulated process(es) and the average and maximum daily flow for these process units. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, shall include a compliance schedule as prescribed in Section 904 of this Law. This statement shall be signed by an authorized representative of the industrial user.

(d) Periodic Compliance Reports: The following provisions shall apply to periodic compliance reports:

(1) Any user subject to a pretreatment standard, after the compliance date for such pretreatment standard, or, in the case of a new source, after commencement of discharge into the POTW, shall submit to the Commissioner, during the months of May and November, unless required more frequently in the pretreatment standard or by the Commissioner, a report indicating the nature and concentration, or other as required by (3) and (4) below, of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of daily flows. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Commissioner or the pretreatment standard necessary to determine the compliance status of the user.

(2) This report shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and said data shall be representative of conditions occurring during the report period. At the discretion of the Commissioner, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Commissioner may agree to alter the months during which periodic reports are to be submitted; however, no fewer than two (2) reports shall be submitted per year. Periodic compliance reports shall also be required from all significant noncategorical users, unless the POTW exercises its right to perform sampling and analyses in lieu of self monitoring by the user, as provided for under 40 CFR 403.12(h).

(3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) Where the Commissioner has imposed mass limitations on users, the report required by Section 903(d)(1) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge of the user.

(5) For users subject to equivalent mass or equivalent concentration limits established by the Commissioner in accordance with 40 CFR 403.6(c) and Section 505 of this Law, the report required by Section 903(d)(1) above shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by Section 903(d)(1) above shall include the user's actual average production rate for the reporting period.

(e) Notification of Problem or Slug Discharge: All industrial users shall notify the Commissioner immediately of any and all discharges that could cause problems with the POTW, or POTW treatment plant, endanger human or animal life, harm public property, or constitute a nuisance, including slug discharges as defined in Section 201 of this Law. These discharges are subject to the requirements of Section 605 of this Law and 40 CFR 403.8(f)(2)(v).

(f) Hazardous Waste Notification: The following provisions shall apply to hazardous waste notification:

(1) The industrial user shall notify, in writing, the Commissioner, the USEPA Regional Waste Management Division Director, and the NYSDEC Division of Hazardous Substance Director, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall be in accordance with the requirements of 40 CFR 403.12(p). Such notification must include the name of the substance as set forth in 40 CFR Part 261, the USEPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

(a) an identification of the hazardous constituents contained in the wastes;

(b) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(c) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

(2) All notifications must take place within one hundred eighty (180) days of the effective date of this Law or, in the case of a new source, within one hundred eighty (180) days after discharge of the listed or characteristic hazardous waste. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted pursuant to Section 903(i) of this Law. The notification requirement in this paragraph does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

(3) Dischargers are exempt from the requirements of Section 903(f)(1) above if, during a calendar month, they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or on any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

(4) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify, in writing, the Commissioner, the USEPA Regional Waste Management Director, and the NYSDEC Division of Hazardous Substance Director, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(5) In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(g) Violation Report: If sampling performed by an industrial user indicates a violation of permit requirements, that user shall notify the Commissioner within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat, as often as specified by the Commissioner, the sampling and analysis and submit the results to the Commissioner within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:

(1) the Commissioner performs sampling at the industrial user at a frequency of at least once per month for the parameter that violated limits; or

(2) the Commissioner performs sampling at the user discharge, for the parameter that violated limits, between the time of the user's initial sampling and the time when the user receives the results of its initial sampling.

(h) Other Reports: The Commissioner may impose reporting requirements equivalent to the requirements imposed by this Section for users not subject to pretreatment standards.

(i) Notification of Change in Discharge: All industrial users shall promptly notify the Commissioner in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

(j) Certification: When submitting reports, notifications, or other required documents to the Control Authority and Approval Authority, an industrial user must provide a statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards and requirements are being met, and, if not, whether additional operation and maintenance and/or pretreatment is required for the industrial user to meet

the pretreatment standards and requirements. This certification shall include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(k) Signatory Requirements for Reports: The reports required by Section 903(b), (c) and (d) above shall include the certification statement specified in Section 903(j) above, and shall be signed in accordance with the requirements of 40 CFR 403.12(l).

(l) Record keeping Requirements: Any industrial user subject to the reporting requirements of this Section shall maintain records of all information resulting from any monitoring activities, whether or not such monitoring activities are required by this Law. These record keeping requirements include documentation of Best Management Practices (BMP's).

Such records shall include, for all samples:

- (1) the date, exact place, method, and time of sampling, and the name(s) of the person(s) taking samples;
- (2) the dates that analyses were performed;
- (3) who performed the analyses;
- (4) the analytical techniques/methods used; and
- (5) the results of such analyses.

Such records shall be retained for a minimum of three (3) years by the industrial user. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, when requested by the Commissioner or Approval Authority.

(m) Provisions Governing Fraud or False Statements: The reports and other documents required to be submitted or maintained under this Law shall be subject to:

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

(3) the provisions of Section 309(c)(6) of the Act, regarding responsible corporate officers.

§ 904. COMPLIANCE SCHEDULES

(a) The Commissioner may require a compliance schedule for any industrial user. If additional pretreatment and/or operation and maintenance will be required to meet applicable standards, or for the prevention of spills, for personnel training, etc., then the industrial user or Commissioner shall prepare and provide a compliance schedule, pursuant to 40 CFR 403.12(b)(7) and 403.12(c), to accomplish such pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard, and the following conditions shall apply to this schedule:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment equipment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, beginning routine operation, etc.);

(2) No increment referred to in (1) above shall exceed nine (9) months, nor shall the total period for achieving compliance exceed eighteen (18) months; and

(3) No later than fourteen (14) calendar days following each progress date in the schedule and the final date for compliance, the user shall submit a progress report to the Commissioner including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Commissioner.

§ 905. MONITORING FACILITIES (CONTROL MANHOLES)

(a) The County may require monitoring facilities to be provided and operated, at the user's own expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the County, with the agreement of the particular municipality involved may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such control manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The facility, and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the County's and/or municipality's requirements and all applicable local construction standards and specifications. The County reserves the right to inspect the construction of monitoring facilities. Construction shall be completed within ninety (90) days following written notification to proceed by the County.

(d) If there is more than one (1) building sewer serving an industrial user, the Commissioner may require the installation of a monitoring facility on each building sewer connection. The Commissioner may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the continuous sampling of the wastewater.

§ 906. MONITORING AND ANALYSIS REQUIREMENTS

(a) All monitoring and analysis requirements of the National Pretreatment Program as set forth in 40 CFR 403.12 shall apply to all industrial users of the POTW. These requirements include the following:

(1) Self-Monitoring Report: The industrial user reports specified in Section 903(b), (c) and (d) of this Law shall contain the results of sampling and analysis of the regulated discharge(s), including the flow and the nature and concentration, or production and mass where requested by the Commissioner, of pollutants contained therein that are limited by applicable pretreatment standards. This sampling and analysis may be performed by the POTW for non-categorical industrial users, in lieu of self monitoring by the user.

(2) POTW Monitoring: The POTW shall sample and analyze the effluent discharge from industrial users and conduct surveillance activities on a random basis in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The POTW shall accomplish these activities by performing one monitoring event, a minimum of once per year.

(3) Sample Collection:

(a) Except as indicated below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the County. Where time-proportional composite sampling or grab sampling is authorized by the County, the samples must be representative of the discharge. Using protocols, including appropriate preservation, specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the

compositing procedures as documented in approved EPA methodologies may be authorized by County, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For periodic compliance reports required by 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(4) Analytical Requirements: All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures specified by the Administrator. The method and type of sampling shall be determined by the Commissioner based on the industry's type of operation and the sampling requirements of the National Pretreatment Program as set forth in 40 CFR 403.12(b)(5). Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or with any other sampling and analytical procedures approved by the Administrator

§ 907. INSPECTION OF SITE AND FACILITIES

(a) The County may inspect the site and facilities of any user to ascertain whether the requirements of this Law are being met and any other Federal, State or local pretreatment standards or requirements are being complied with. Persons or occupants of industrial user premises shall allow the County or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling or records examination including making copies, or in the performance of any of their duties.

(b) The County and Approval Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. 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 with the security guards so that upon presentation of suitable identification, personnel from the County and the Approval Authority will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

§ 908. CONFIDENTIAL INFORMATION

(a) All user information and data obtainable from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Commissioner that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. However, in no case shall information collected under the pretreatment program be withheld from USEPA and/or the Approval Authority. USEPA and/or the Approval Authority shall have immediate and unlimited access to all information collected by the County under its pretreatment program. The confidentiality requirements and procedures as defined in 40 CFR 403.14 shall apply to all users. If a confidentiality claim is asserted, the information will be treated in accordance with the procedures set forth in 40 CFR Part 2. All information submitted to the POTW shall be available to the public to the extent provided by 40 CFR 2.302. The claim of confidentiality should address the points enumerated in 40 CFR 2.204(e)(4).

§ 909. FEES

(a) It is the purpose of this Section to provide for the recovery of costs from users of the POTW for implementation of the program established herein. The applicable charges or fees may be collected as part of a single permit fee and/or as separate charges and shall be as set forth in the Oneida County Sewer District Rate Schedule. The County may adopt charges and fees that may include:

- (1) fees for reimbursement of costs for setting up and operating the Pretreatment Program;
- (2) fees for monitoring, inspections and surveillance procedures;
- (3) fees for reviewing accidental discharge procedures and construction;
- (4) fees for filing appeals;
- (5) fees for consistent removal, by the POTW, of pollutants otherwise subject to National Pretreatment Standards; and
- (6) other fees as the County may deem necessary to carry out the requirements contained herein.

END OF ARTICLE IX

ARTICLE X

ENFORCEMENT AND PENALTIES

ENFORCEMENT RESPONSE PLAN

SECTION 1001 ENFORCEMENT RESPONSE PLAN

ADMINISTRATIVE REMEDIES

SECTION 1002 PHONE CALL

SECTION 1003 NOTIFICATION OF VIOLATION

SECTION 1004 CONSENT ORDERS

SECTION 1005 ADMINISTRATIVE OR COMPLIANCE ORDER

SECTION 1006 ADMINISTRATIVE FINES

SECTION 1007 CEASE AND DESIST ORDERS

SECTION 1008 TERMINATION OF PERMIT

SECTION 1009 WATER SUPPLY SEVERANCE

SECTION 1010 FAILURE OF THE USER TO PETITION COMMISSIONER

JUDICIAL REMEDIES

SECTION 1011 CIVIL PENALTIES

SECTION 1012 COURT ORDERS

SECTION 1013 CRIMINAL PENALTIES

SECTION 1014 INJUNCTIVE RELIEF

SECTION 1015 DAMAGES

SECTION 1016 SUMMARY ABATEMENT

MISCELLANEOUS

SECTION 1017 DELINQUENT PAYMENTS

SECTION 1018 PERFORMANCE BONDS

SECTION 1019 LIABILITY INSURANCE

SECTION 1020 PUBLIC NOTIFICATION.

SECTION 1021 PENALTY POLICY

ENFORCEMENT RESPONSE PLAN

§ 1001. ENFORCEMENT RESPONSE PLAN

(a) The Commissioner shall prepare and periodically update an enforcement response plan that meets the requirements of 40 CFR 403.8(f)(5). The enforcement response plan, in a step-by-step fashion, shall outline the procedures to be followed to respond to violations by users of the POTW.

All violations of permit conditions, the Act, and/or other applicable County, State or Federal regulations by users of the POTW shall be met with some type of enforcement response.

Enforcement actions listed in the enforcement response plan may be imposed as a result of POTW investigation of compliance with this Law through review of self monitoring data, POTW monitoring data, and/or on-site inspection.

(b) The Enforcement Response Plan shall, at a minimum:

- (1)** describe the types of escalating enforcement actions that the Commissioner will take in response to all anticipated types of user violations and the time periods within which responses will take place;
- (2)** identify, by title, the official(s) responsible for each type of response; and
- (3)** reflect the POTW's primary responsibility to enforce all applicable pretreatment standards and requirements.

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

- (1)** magnitude of the violation;
- (2)** duration of the violation;
- (3)** effect of the violation on the receiving water;
- (4)** effect of the violation on the POTW;
- (5)** effect of the violation on the health and safety of POTW workers;
- (6)** compliance history of the user; and
- (7)** good faith of the user; and shall promote consistent and timely use of enforcement remedies.

ADMINISTRATIVE REMEDIES

§ 1002. PHONE CALL

(a) When the Commissioner finds that any user has violated or is violating this Law, or any permit, order, prohibition, limitation or requirement pursuant to this Law, the Commissioner may telephone such user to discuss the factors contributing to the violation, and to determine if additional enforcement actions are necessary. The Commissioner may require the user to provide additional self-monitoring, a letter explanation of the reason for violation, and/or a plan for the satisfactory correction and prevention thereof.

§ 1003. NOTIFICATION OF VIOLATION

(a) When the Commissioner finds that any user has violated or is violating this Law, or any permit, order, prohibition, limitation or requirement pursuant to this Law, the Commissioner may serve upon such user a written notice stating the nature of the violation. The Commissioner may require the user to provide additional self-monitoring, a letter explanation of the reason for violation, and/or a plan for the satisfactory correction and prevention thereof. Said correction and prevention plan shall include specific actions and a timetable for remediation of the conditions causing the violation. 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.

§ 1004. CONSENT ORDERS

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

§ 1005. ADMINISTRATIVE OR COMPLIANCE ORDER

(a) When the Commissioner finds that a user has violated or continues to violate this Law, or a permit condition or order issued hereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no reoccurrence of the violation. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment facilities, additional self-monitoring, and/or improved management practices.

(b) Noncompliant users will be notified in person or by registered mail of the proposed administrative or compliance order. The user may, within fifteen (15) days of receipt of such notification, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1) reject any frivolous petitions;
- (2) continue, modify or suspend the order;
- (3) request additional information from the user; and/or
- (4) seek judicial remedies as provided for in this Article.

§ 1006. ADMINISTRATIVE FINES

(a) Notwithstanding any other section of this Law, any user who is found to have violated any provision of this Law, or permit condition or order issued hereunder, or who knowingly makes any false statements, representations or certifications in any application, record, report, plan, permit or other document filed or required to be maintained pursuant to this Law, or who falsifies, tampers with or knowingly renders inaccurate any water meter, monitoring device, or sampling or analysis method required under this Law or used for the purposes of assessing charges for sewer service may be fined in an amount not to exceed one thousand dollars (\$1,000) per violation. Each violation shall constitute a separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation.

(b) Noncompliant users will be notified in person or by registered mail of the proposed administrative fine. The user may, within fifteen (15) calendar days of notification of such fine, petition the Commissioner to modify or suspend the fine. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1)** reject any frivolous petitions;
- (2)** continue, modify or suspend the fine;
- (3)** request additional information from the user; and/or
- (4)** seek judicial remedies as provided for in this Article.

§ 1007. CEASE AND DESIST ORDERS

(a) When the Commissioner finds that a user has violated or continues to violate this Law, or any permit condition or order issued hereunder, the Commissioner may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (1)** comply forthwith; and/or
- (2)** take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

(b) Noncompliant users will be notified in person or by registered mail of the proposed cease and desist order. The user may, within fifteen (15) days of receipt of such order, petition the Commissioner to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1)** reject any frivolous petitions;
- (2)** continue, modify or suspend the order;

- (3) request additional information from the user; and/or
- (4) seek judicial remedies as provided for in this Article.

§ 1008. TERMINATION OF PERMIT

(a) Any of the following events may subject a user to permit termination:

- (1) violation of permit conditions;
- (2) failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) failure to report significant changes in operations or wastewater constituents and characteristics;
- (4) refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

(b) Noncompliant users will be notified in person or by registered mail of the proposed termination of their permit. The user may, within fifteen (15) calendar days of receipt of such notification, petition the Commissioner to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1) reject any frivolous petitions;
- (2) continue, modify or suspend the termination;
- (3) request additional information from the user; and/or
- (4) seek judicial remedies as provided for in this Article.

§ 1009. WATER SUPPLY SEVERANCE

(a) Whenever a user has violated or continues to violate the provisions of this Law or any permit condition or order issued hereunder, or whenever a user has been determined by the Commissioner to be delinquent in payment of charges, fees or fines, water service to the user may be severed. Service will only recommence at the user's expense after it has demonstrated its ability to comply with the provisions of this Law or has made payment of delinquent charges, fees or fines.

(b) Noncompliant users will be notified in person or by registered mail of the proposed severance of water service. The user may, within fifteen (15) calendar days of receipt of water supply

severance notification, petition the Commissioner to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1) reject any frivolous petitions;
- (2) continue, modify or suspend the water supply severance;
- (3) request additional information from the user; and/or
- (4) seek judicial remedies as provided for in this Article.

§ 1010. FAILURE OF THE USER TO PETITION COMMISSIONER

(a) In the event the Commissioner issues any administrative order, terminates a user's permit, makes fines against the user or severs water service to the user, and the user fails, within the designated period of time set forth, to petition the Commissioner as provided for in appropriate sections of this Article, the user shall be deemed in default, and the user's rights to contest the administrative order, fine or severance shall be deemed waived.

JUDICIAL REMEDIES

§ 1011. CIVIL PENALTIES

(a) Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this Law, or any order or determination of the Commissioner promulgated under this Law, or the terms of any permit or order issued hereunder, may be liable to the County for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a court hearing held in conformance with the procedures set forth in this Article. Each violation shall constitute a separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the County Attorney at the request of the Commissioner in the name of the County in any court of competent jurisdiction. In addition to the above described penalty and damages, the Commissioner may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such civil penalty may be released or compromised by the Commissioner before the matter has been referred to the County Attorney, and where such matter has been referred to the County Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the County Attorney, with the consent of the Commissioner.

§ 1012. COURT ORDERS

(a) In addition to the power to assess penalties as set forth in this Article, the Commissioner shall have the power to seek a court order:

- (1)** suspending, revoking or modifying the violator's permit; and/or
- (2)** enjoining the violator from continuing the violation.

(b) Any such court order shall be sought in an action brought by the County Attorney at the request of the Commissioner in the name of the County in any court of competent jurisdiction.

(c) The Commissioner may petition the court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

§ 1013. CRIMINAL PENALTIES

(a) Any person who violates any provision of this Law or any final determination or order of the Commissioner made in accordance with this Article shall, upon conviction thereof, be guilty of a misdemeanor, and may be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or imprisonment not to exceed one (1) year, or both, in addition to any civil or administrative penalties assessed. Each violation shall constitute a separate and distinct violation, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. In the event of a second conviction, the user may be punishable by a fine not to exceed three thousand (\$3,000) per violation per day, or imprisonment not to exceed three (3) years, or both.

(b) Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan, permit or other document filed or required to be maintained pursuant to this Law, or who falsifies, tampers with or knowingly renders inaccurate any water meter, monitoring device, or sampling or analysis method required under this Law or used for the purposes of assessing charges for sewer service shall, upon conviction thereof, be guilty of a misdemeanor, and may be punished by a fine not to exceed one thousand dollars (\$1,000) per violation per day, or imprisonment not to exceed one (1) year, or both, in addition to any civil or administrative penalties assessed. Each offense shall constitute a separate and distinct violation, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. In the event of a second conviction, the user may be punishable by a fine not to exceed three thousand dollars (\$3,000) per violation per day, or imprisonment not to exceed three (3) years, or both.

§ 1014. INJUNCTIVE RELIEF

(a) Whenever a user has violated or continues to violate the provisions of this Law or a permit condition or order issued hereunder, the Commissioner, through counsel, may petition the court, in the name of the County, for the issuance of a preliminary or permanent injunction or both, as may be appropriate, that restrains the violation of, or compels the compliance with any order or determination thereunder by the Commissioner.

§ 1015. DAMAGES

(a) Any person violating any of the provisions of this Law shall, in addition to civil penalties, be liable to the County for any expense, loss, or damage occasioned to the County by reason of such violation.

§ 1016. SUMMARY ABATEMENT

(a) Notwithstanding any inconsistent provisions of this Law, whenever the Commissioner finds, after investigation, that any user threatens, is causing, engaging in, or maintaining a condition or activity that in his judgement presents or may present an imminent danger to the public health, safety or welfare, or that threatens to interfere with or damage the POTW or the environment, and it therefore appears to be prejudicial to the public interest not to allow the condition or activity to go unabated until notice can be provided, the Commissioner may order such user, 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 user 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 Commissioner may take all appropriate action to abate the condition. As promptly as possible thereafter, not to exceed thirty (30) calendar days, the Commissioner shall provide the user an opportunity to petition the Commissioner to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Commissioner by registered mail. The Commissioner may:

- (1) reject any frivolous petitions;
- (2) continue, modify or suspend the termination;
- (3) request additional information from the user; and/or
- (4) seek judicial remedies as provided for in this Article.

(b) The Commissioner, 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 and the environment.

MISCELLANEOUS

§ 1017. LATE CHARGES AND DELINQUENT PAYMENTS

(a) If there shall be any payments that are due to the County, or any Department thereof, pursuant to any article or section of this Law, that shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the County, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty and/or interest charge. The applicable charges or fees shall be set forth in the Oneida County Sewer District Rate Schedule.

(b) In the event that there are any sewer taxes, assessments, or other service charges that continue to remain outstanding and overdue, such amounts plus default charges will be declared delinquent by the Commissioner and added to the annual County tax assessment as a lien on the real property for the appropriate municipality. Any unpaid fines and penalties shall be a lien upon real property upon which, or in connection with which, services were provided and shall be added to the annual County tax bill for such real property.

(c) Where charges are delinquent and the violator is provided service under an inter-municipal agreement, a permit, a contract or other such document, then the conditions set forth in that document shall apply for recovery of charges, including punitive damages.

§ 1018. PERFORMANCE BONDS

(a) The Commissioner may decline to reissue a permit to any user that has failed to comply with the provisions of this Law or any permit condition or order issued hereunder. As a requirement for reissuance of a permit, the Commissioner may require that the user first file with it a satisfactory bond, payable to the Oneida County Sewer District and/or the County, in a sum not to exceed a value determined by the Commissioner to be necessary to achieve consistent compliance or assure payment of service charges and fees.

§ 1019. LIABILITY INSURANCE

(a) The Commissioner may decline to reissue a permit to any user that has failed to comply with the provisions of this Law or any permit condition or order issued hereunder. As a requirement for reissuance of a permit, the Commissioner may require that the user first submit proof that it has obtained financial assurances sufficient to restore or repair POTW in the event damage is caused by the user's discharge.

§ 1020. PUBLIC NOTIFICATION

(a) The Commissioner shall provide public notification in the largest daily newspaper(s) in the County, of users that, at any time during the previous twelve (12) months, were in significant non-compliance with any applicable pretreatment standards or requirements. The frequency of such notices shall be at least once per year. For the purposes of this Section, significant noncompliance shall be defined as listed or modified in 40 CFR 403.8(f)(2)(vii), or Section 201 of this Law.

§ 1021. PENALTY POLICY

(a) It is the policy of the County to balance the needs for environmental protection and the need for continued economic development and growth in a manner that affords protection of the environment without diminishing opportunities for economic expansion. In a manner consistent with this policy, the County shall enforce reasonable policies for the imposition of appropriate penalties upon users who fail to comply with the terms and conditions of this Law and other applicable requirements imposed by the County. These penalties shall be sufficient to promote compliance but shall be sufficiently flexible to allow for consideration of the facts and circumstances of each specific case.

(b) In applying a penalty policy, the County shall consider the following factors that are listed in the Oneida County Sewer District Enforcement Response Plan:

- (1) magnitude of the violation;
- (2) duration of the violation;
- (3) effect of the violation on the receiving waters;
- (4) effect of the violation on the POTW;
- (5) good faith of user;
- (6) compliance history of the user;
- (7) previous success of enforcement responses taken against the user.

(c) The County shall also consider the seriousness of the violation in terms of its endangerment of public health, including worker safety, the County interceptor sewers and public sewers tributary thereto, and the environment; and,

(d) To the extent ascertainable, the economic benefit derived from noncompliance that may include a reasonable calculation of the interest earned on money that, if spent for pollution control devices and/or activities, could have prevented the violation(s) as well as avoidance costs including both capital and operating costs.

(e) Before assessing a penalty, the County shall carefully consider and weigh all evidence offered by the user in support of mitigating circumstances.

END OF ARTICLE X

ARTICLE XI

GENERAL PROVISIONS

SECTION 1101 POWERS AND AUTHORITY OF COMMISSIONER

SECTION 1102 PROTECTION FROM DAMAGE

SECTION 1103 SEWERAGE SURCHARGE

SECTION 1104 SEWERAGE SERVICE CHARGES

SECTION 1105 USE OF REVENUES

SECTION 1106 SEVERABILITY

SECTION 1107 VALIDITY

SECTION 1108 EFFECTIVE DATE

§ 1101. POWERS AND AUTHORITY OF COMMISSIONER

(a) The Commissioner, his employees and agents may enter upon private and public lands and any improvements located thereon, including but not limited to lands where public sewers are located, which sewers are owned by a municipality and which collect wastewater that is discharged to the County interceptors and public sewers tributary thereto, for the purpose of inspection, observation, measurement, monitoring, sampling and testing, in accordance with the provisions of this Law.

(b) The Commissioner or his representative may require any user of the POTW to meet pretreatment standards and requirements, and to provide any information pertaining to that user's discharge that the Commissioner may require in order to comply with County, State and Federal rules, regulations, laws or orders. Such information may be more extensive than detailed in Article IX of this Law.

(c) Refusal to permit entry upon lands and improvements described in § 1101(a), as required to perform the necessary work referred to in this Law, shall be punishable by such penalties as may be prescribed under Article X of this Law.

§ 1102. PROTECTION FROM DAMAGE

(a) Any unauthorized persons who maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the POTW, shall be in violation of this Law and shall be subject to the penalties provided herein and/or as other County, State or Federal penalties may apply.

§ 1103. SEWERAGE SURCHARGE

(a) In order to ensure and provide for the proper and equitable use of the POTW, and to comply with applicable State and Federal regulations, a sewerage surcharge is required for users discharging wastewater that exceeds the characteristics of normal sewage. The charge shall be based on the quantity and type of waste discharged, at rates specified in the current Oneida County Sewer District Rate Schedule as approved by the Board of Legislators.

§ 1104. SEWERAGE SERVICE CHARGES

(a) The Oneida County Sewer District Rate Schedule will be reviewed annually to determine if it is adequate to meet the expenditures for all County POTW programs for the coming year. This schedule shall be subject to the review by the Commissioner and, if modified in anyway, subject to the approval of the County Executive and the adoption by the Board of Legislators.

§ 1105. USE OF REVENUES

(a) Revenues derived from user charges and associated penalties and fees shall be used exclusively for the following functions:

- (1) payment for the operation and maintenance, including repair and replacement cost, of the County POTW;
- (2) payment of indebtedness or interest on amortization that has been, or shall be, incurred for the construction, extension or rehabilitation of the County POTW; and
- (3) extension, enlargement, replacement or rehabilitation of and/or addition to the County POTW and appurtenances.

§ 1106. SEVERABILITY

(a) Should any section, paragraph, sentence, clause or phrase of this Law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this Law shall not be affected thereby.

§ 1107. VALIDITY

(a) If any article, section, paragraph, subdivision, sentence, clause or provision of this Law shall be adjudged to be invalid, such judgment shall apply only to such article, section, paragraph, subdivision, sentence, clause or provision so adjudged and shall not affect, impair or invalidate any other part or portion of this Law.

§ 1108. EFFECTIVE DATE

(a) This Law, known as the Oneida County Sewer Use Law shall be in full force and effect immediately after recommendation by the Commissioner, approval of the County Executive and adoption by the Board of Legislators .

END OF ARTICLE XI