

# Local Law Filing

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- County
- City of Delaware
- Town
- Village

Local Law No. 2 of the year 20 11

A local law Sewer District Use Regulations  
(Insert Title)

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Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County
- City of Delaware as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

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

TOWN OF DELAWARE  
SEWER DISTRICT USE REGULATIONS

William Dirie  
Supervisor

Councilmen

Edward Sykes   Carl Rosenberger  
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William C. Rosen  
Town Attorney

## ARTICLE I: SHORT TITLE AND STATEMENT OF PURPOSE

### 101. Short Title

This Local Law shall be known as the Town of Delaware Sewer District Use Regulations.

### 102. Purposes

The purposes of rules, regulations and requirements of this Local Law are specifically stated, as follows:

- a. to prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the Town of Delaware Sewer District sewer systems, and all public and private sewers and lines tributary thereto;
- b. to prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature, or which create in any way a poisonous or hazardous environment for sewage maintenance and operation personnel;
- c. to prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the interceptor sewers, truck sewers, force mains, pumping stations, sewage regulators, and other structures and appurtenances of the Town of Delaware Sewer District sewer system, and public and private sewers tributary thereto;
- d. to prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the Village of Jeffersonville Water Pollution Control Facility or a Town of Delaware Water Pollution Control Facility as it is to be constructed, modified, or improved in the future.
- e. to require the treatment, before introduction into a Town of Delaware Sewer District sewer system, and public and private sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structure appurtenant to the system, by direct or indirect chemical action, or interfere with the normal treatment process;
- f. to regulate all connections, and discharges to, and usage of, a Town of Delaware Sewer District sewage system for the purpose of providing maximum efficiency in the maintenance and operation of the system, and adhere to all applicable Federal, State and Local requirements;
- g. to require the connection to and the use of the sanitary sewer system;
- h. to protect the public health and to prevent nuisances.

## ARTICLE II: DEFINITIONS

### 201. Definitions

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

- a. “Administrator” shall mean the Superintendent of Sewage, or his duly authorized deputy, agent, or representative;
- b. “B.O.D.” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° (degrees) Centigrade (68° Fahrenheit) expressed in parts per million (ppm) or milligrams per liter (mg/l);
- c. “building drain” shall mean that part of the lowest horizontal piping of a building sanitary drainage system which receives the discharge from soil, waste and other sanitary drainage pipes inside the walls of any building, and conveys such discharge to the building sewers, beginning five (5) feet outside the inner face of the building wall;
- d. “building sewer” shall mean that part of the horizontal piping of a sanitary drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer or other point of disposal;
- e. “combined sewer” shall mean a sewer designed to receive and transport both surface runoff and sewage;
- f. “cooling water” shall mean the water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources;
- g. “Village” shall mean the Village of Jeffersonville;
- h. “Town” shall mean the Town of Delaware;
- i. “District #1” shall mean the Town of Delaware Sewer District #1;
- j. “District #2” shall mean the Town of Delaware Sewer District #2;
- k. “District” shall mean any Town of Delaware Sewer District of which all or a portion of the land area of the Town is a part or in which such Town or portion thereof shall participate;
- l. “District Sewer System” shall mean the trunk sewers and lateral sewers and other appurtenant structures owned and operated by the Town of Delaware Sewer District;
- m. “Department of Health” shall mean the New York State Department of Health;

- n. “garbage” shall mean solid wastes from the domestic or commercial preparation, cooking and dispensing of food, or from handling, storage and sale of produce;
- o. “industrial wastes” shall mean the fluid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage;
- p. “industrial user” shall mean any individual or commercial establishment with a classification as designated in the “Standard Industrial Classification Manual” 1972 Edition, as published by the Executive Office of the President and who utilizes the services of the Town of Delaware Sewer District #1 sanitary sewer system;
- q. “other wastes” shall mean garbage (shredded or unshredded) refuse, woods, coffee grounds, sawdust, shavings, eggshells, bark, sand lime, cinder, ashes, and all other discarded matter not normally present in sewage or industrial wastes;
- r. “permittee” shall mean any person who obtains a permit for a sewer connection;
- s. “person” shall mean any individual, firm, company, association, society, corporation or group;
- t. “properly shredded garbage” shall mean the wastes from the preparation, cooking, and 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, with no particle having a dimension greater than one-half inch in any dimension;
- u. “private sewage disposal system” shall mean any privy, septic tank, cesspool, or other sewage disposal facility owned and operated by a person other than a municipal sewage system;
- v. “public sewer” shall mean a sewer controlled by a public authority;
- w. “receiving waters” shall mean a natural water course or any other body of surface or groundwater into which treated or untreated sewage is discharged;
- x. “sanitary sewer” shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted;
- y. “scavenger wastes” shall mean the conditioned human waste matter collected from privies, septic tanks, cesspools and chemical toilets;
- z. “sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be inadvertently present. The admixture of sewage as above defined with industrial wastes or other wastes also shall be considered “sewage” within the meaning of this definition;

- aa. “sewage charge” shall mean the demand payment for the use of public sewer and/or sewage treatment plant for handling any sewage, industrial wastes or other wastes accepted for admission thereto, in which the quantity or characteristics thereof exceed the maximum values as defined herein;
- ab. “sewage system” shall mean all facilities within a Town of Delaware Sewer District for collecting, regulating and transporting sewage to the Water Pollution Control facility;
- ac. “sewage treatment plan” (Water Pollution Control Plant) shall mean any arrangement of devices and structures used for treating sewage at the Village of Jeffersonville Water Pollution Control facility, a Town of Delaware Water Pollution Control facility; or any other sewage system of the Town of Delaware;
- ad. “sewer” shall mean a pipe or conduit for carrying sewage;
- ae. “slug” shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow for any period of duration longer than fifteen (15) minutes, exceeds more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works;
- af. “storm sewer” (storm drain) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters;
- ag. “suspended solids” shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering;
- ah. “pH” shall mean the intensity of the acid or alkaline reaction of a solution in terms of hydrogen concentration (but is not a measure of the total concentration of acid or alkali present). The pH is expressed as the common logarithm of the reciprocal of the hydrogen concentration in moles per liter:

$$\text{pH} = \log \frac{1}{(\text{h}^+)}$$

- ai. “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.;
- aj. “pollutant” shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into the water;
- ak. “significant industrial user” shall mean any user who

- i. has a flow of 25,00 gallons or more per average work day,
  - ii. has a flow greater than 5% of the flow in a Town of Delaware Sewer District wastewater system,
  - iii. has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act,
  - iv. has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act, or
  - v. is found by the Town of Delaware Sewer District to have a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment or collection system.
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- al. “SPEDES” shall mean the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuances of permits authorizing discharges to the waters of the State.
  - am. “NYSDEC” shall mean the New York State Department of Environmental Conservation or other duly authorized official of said Department.
  - an. “USEPA shall mean the United States Environmental Protection Agency or where appropriate a designation for the administrator or other duly authorized official of said agency.
  - ao. “Pretreatment” shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a wastewater treatment facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.
  - ap. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
  - aq. “Pollution” shall mean the man-made or man-induced alteration of the chemical, physical biological and radiological integrity of water.
  - ar. “Shall” is mandatory; “may” is permissive.

### ARTICLE III: ADMINISTRATOR, DUTIES/POWERS

#### 301. Duties

It shall be the duty of the Administrator to the Town to enforce the provisions of this Local Law and to formulate and issue such rules, regulations and specifications which may be necessary for the administrative, development, or construction of sewers of the District as required to implement this Local Law.

#### 302. Inspections

- a. The Administrator and USEPA and NYSDEC representatives, bearing proper credentials and identification, shall be allowed ready access at all times for the purposes of inspection, observation, measurement and sampling of the wastewater discharge to ensure that discharge to the District wastewater facilities is in accordance with the provisions of this ordinance.
- b. The Administrator and USEPA and NYSDEC representatives, bearing proper credentials and identification, shall be permitted to enter all private property through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the District wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- c. The Administrator shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Administrator may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by District wastewater discharge ordinances and sample any effluents which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.
- d. Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section shall be punishable by such penalties as may be prescribed under Article XI of this Local Law.

#### 303 Permits

It shall be unlawful for any person to discharge directly or indirectly into public sewers of the District sewer system except after the issuance of a permit therefore, properly issued by the Administrator, and upon terms and conditions as may be established by the Administrator, or by this Local Law, for the issuance of such a permit.



## ARTICLE IV: USE OF PUBLIC SEWER REQUIRED

### 401. Sewer Discharge

It shall be unlawful to discharge into any receiving waters within the District, either directly or indirectly, any sewage, industrial wastes, or other pollution.

### 402. Use Required

The person owning any property used for human occupancy, employment, recreation, commerce, industry or other public or private purpose, situated within the District which abuts on any street or right-of-way in which, or adjacent to which, there is located a public sanitary sewer, is hereby required at his own cost and expense to connect the sanitary sewer discharge from his property directly with the public sewer in accordance with the provisions of this Local Law, within ninety (90) days after the official notice to do so, provided that said public sewer is within 500 feet of the property lien. The Town reserves the right to extend said period an additional amount of time.

### 403. Unauthorized Use

It shall be illegal for any property owner to connect his building to the collection system without the prior approval of the Administrator. If there is any unauthorized taking of sewer service without the approval of the Administrator, then such individual shall be subject to the penalties and fine as hereinafter provided.

## ARTICLE V: PRIVATE SEWAGE DISPOSAL AND SEWAGE SYSTEMS

### 501. Public Sewers not Available

Whenever a public sanitary sewer is not available within the District as described under the provisions of Article IV, Section 402, the building sewer shall be connected, either directly or through a private sewage system, to a private sewage disposal system complying with the requirements of the Department of Health and the provisions of this Article.

### 502. Standards

The type, capacities, location and layout of a private sewage disposal system, and the pipe sizes, slopes and design criteria of a private sewage system within the District shall comply with the requirements of the Health Department, and no statement in this Article shall be construed to interfere with these or any other additional requirements or recommendations that may be imposed by the Department of Health. Any additional requirements imposed by this Local Law are for the purpose of implementing the intent of this Local Law, and providing for the proper development of the District sewer system.

### 503. Review of Requirements

Before commencement of construction of a private sewage sanitary system, the owner shall first obtain a written permit issued by the Administrator. The application for such permit shall be made on a form furnished by the District which will be supplemented by any plans, specifications and other information as is deemed necessary by the Administrator. A permit and inspection fee will be paid to the District at the time the application is filed. All information required shall become a part of the application. Construction shall not commence until approved by the Administrator. Any revisions to the approved application without the written approval of the Administrator are prohibited.

### 504. Construction Requirements

The methods, practices and materials used in the construction of a private sewage system located in the District shall be in accordance with the provisions of the approved application and any specifications and requirements adopted by the Town Board in fulfilling the Administrator's duties and the provisions of this Local Law as provided herein. In the absence of any particular provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.), Manual of Practice No. 9 shall apply.

### 505. Inspection and Certification Required

The Administrator shall be allowed to inspect the work at any stage of construction, and in any event, the application shall notify the Administrator when the work, or separate portions of it, is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of receipt of notice by the Administrator. Prior to final

approval, the applicant shall provide the Administrator with two (2) complete sets of as-built drawings of the system, and in the case of a sewage infiltration test, results, certified by a professional engineer licensed in the State of New York. The maximum allowable rate of infiltration into any section of a sewage system shall not exceed 200 gallons per inch of pipe diameter per mile of sewer per day.

506. Owner to Maintain

The owner of a private sewage disposal or sewage system shall operate and maintain such facilities in a satisfactory manner at all times, at no expense to the District.

507. Connection Required to Public Sewers When Available

At such time as a public sewer becomes available to a property served by a private sewage disposal and/or sewage system, as provided for in Article IV, Section 402, a direct connection shall be made to the public sewer in compliance with this Local Law within sixty (60) days. Any person obtaining a permit to connect to the public sewer shall be required to abandon the existing septic tank or cesspool or other private sewage disposal facilities as hereinafter prescribed in Article VI, and said facilities shall be cleaned of sludge, and removed or filled with suitable material, or as directed by the Administrator.

508. Connecting of Private Sewage Systems

Where service through a public sewer becomes available to an existing private sewage system, whether or not such system was constructed prior to the adoption of this Local Law, the Administrator shall, before issuing a permit for connection to the public sewer, have the right to perform such tests and inspections as may be required to ascertain the completeness and integrity of the private sewage system, and to require all necessary repairs to be made by the owner, at no expense to the District, to make the private sewage system acceptable for connection to the public sewer as required by this Local Law, or such additional rules, regulations and specifications as may be adopted by the Town Board.

## ARTICLE VI: BUILDING SEWERS AND CONNECTION

### 601. Connection Permit Required

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

### 602. Permit Classes

There shall be two (2) classes of building sewer permits: (1) for residential and commercial service; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Administrator. The permit application shall be accompanied by plans, profiles, specifications or other information considered pertinent by the Administrator. All permit applications for service to establishments producing industrial wastes shall be subject to Town Board approval after a public hearing. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit in the amount prescribed in a fee schedule adopted by the Town Board shall be paid to the District at the time that the application is filed.

### 603. Connection Costs

All costs and expenses in installing and connecting a public sewage system or building sewer to the District sewer system shall be borne by the owner. The owner shall indemnify the District for any loss or damage that might be occasioned by the installation and connection of such public sewage system or building sewer.

### 604. Separate Building Sewer Required

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

### 605. Existing Building Sewers

Existing building sewers may be used in conjunction with new buildings only when they are found, upon inspection and testing by the Administrator, to meet all requirements of this Local Law, and any other specifications adopted by the Administrator.

### 606. Construction Requirements

The size, slope, alignment, materials or construction of a building sewer, appurtenances, and the methods to be used in excavating, placing of the building sewer pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the specification for the installation of

building sewers as adopted by the Town Board and all applicable provisions of any other rules and regulations of the Town of Delaware, or of the County of Sullivan, and the State of New York, whichever requirement is more strict. In the absence of any requirements, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (A.S.T.M.), and Water Pollution Control Federation (W.P.C.F.), Manual of Practice No. 9 shall apply. All connections of building sewers to a public sewage system shall be gastight and watertight. Any deviations from the prescribed materials and construction procedures must be approved by the Administrator prior to installation.

607. Service Requirements

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

608. Prohibited Connections

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

609. Inspection and Approval

The applicant for the connection of any building sewer to a public sewage system owned or maintained by the District shall notify the Administrator when the building sewer is ready for inspection and connection to the public sewer. In no case shall any underground portions of the building sewer be covered, or connection to the public sewer made, without the approval and/or supervision of the Administrator, or his representative. Permission to activate the building sewer will be given only after satisfactory final inspection has been made and approval given by the Administrator.

610. Protection and Safety

All excavations for building sewer excavations shall comply with all Federal, State and Local safety regulations, and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Administrator and appropriate municipal authorities.

611. Maintenance and Repair

Building sewers shall be maintained, serviced and repaired by the owner of the property served from the building drain to a point within one (1) foot of the Y in the street, if connected to a public sewer in a public right-of-way, and to within two (2) feet of the public sewer located in an easement across private property. In the event that a property is unable to discharge sewage into

the public sewer, it will be presumed that the fault is in the private building sewer unless contrary facts are in evidence. Evidence of willful damage to a building sewer being served by a public sewer shall be considered a violation of the Local Law.

612. Disconnection

Before any building whose building sewer is connected to a public sewer is demolished, the owner thereof shall conform with the requirements established by the Administrator. The cutoff or plugging of the building sewer shall be done with the permission and under the supervision of the Administrator.

## ARTICLE VII: USE OF PUBLIC SEWERS

### 701. Drainage Discharges

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters, to the District sewer system.

### 702 Prohibited Discharges

No person shall discharge or cause to be discharged any of the following described waters or wastes to the District Sewer system which:

- a. Create fire or explosion hazard including, but not limited to, gasoline benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, or any liquid, solids or gases which by reason of their nature or quantity are sufficient either alone, or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the District sewer system and Village sewage treatment plant or to the operation of the District sewer system and Village sewage system treatment plant. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5%) percent nor any single reading over ten (10%) of the Lower Explosive Limit (LEL) of the meter.
- b. Contain noxious, malodorous gas or substance which is present in quantities that creat a public nuisance or a hazard to life.
- c. Cause corrosive damage or hazard to structures; equipment or personnel of the District sewer system and Village sewage treatment plant but in no case discharges with the following properties:
  - i. Having a pH lower than 5.0 or greater than 10.0 for more than 10% of the time in a 24 hour period;
  - ii. Having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.
- d. Cause obstruction to the flow in sewers, or other interference with the operation of the District sewer system and Village sewage treatment plant due to accumulation of solid or viscous materials; such substances include, but are not limited to, grease, ashes, cinders, sand, mud, straw, shavings, metal, gas, rags, feathers, tar, plastics, wood, unground garbage, whole blood, pauch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. in quantities or of such size capable of impairing the hydraulic capacity of the sewer or other interferences with the operation of the District sewer system and Village sewage treatment plant.

### 703. Controlled Discharges

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes to the District sewer system without the prior approval of the Town Board:

- a. Constitute a rate of discharge or substantial deviation from normal rates of discharge, (“slug discharge”), sufficient to cause interference in the operation and performance of the District sewer system and Village sewage treatment plant;
- b. Contain heat in amounts which will accelerate the biodegradation of wastes, causing formation of excessive amounts of hydrogen sulfide in the District sewer system or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the District sewer system to exceed 65.5 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F) unless the facilities can accommodate such heat.
- c. Contain non-biodegradable fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C);
- d. Contain floatable oils, fat or grease;
- e. Contain any garbage that has not been properly shredded;
- f. Waters or wastes containing strong acids, iron pickling wastes, or concentrated plating solution, whether neutralized or not;
- g. Contain any odor or color producing substances exceeding concentration limits which may be established for purposes of meeting the SPEDES permit;
- h. Contain radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable Town, State and Federal regulations;
- i. Any waters or wastes having a pH in excess of 12.0;
- j. Materials which exert or cause:
  - i. Unusual concentration of inert suspended solids (such as, but not limited to, Fullers’ earth lime residues) or dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate);
  - ii. Excessive coloration (such as, but not limited to, dye wastes and vegetable tanning solutions)
  - iii. (1) a B.O.D. in excess of 240 milligrams per liter;



- (2) a chlorine demand in excess of 25 milligrams per liter;
  - (3) a chemical oxygen demand in excess of 600 milligrams per liter;
  - (4) suspended solids in excess of 300 milligrams per liter;
- k. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed by the village or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

704. Requirements for Accepting Controlled Discharges

If any waters or wastes are discharged, or are proposed to be discharged to the District sewer system, which waters contain the substances or possesses the characteristics enumerated in Section 703 of this Article, and which in the judgment of the Town Board may have a deleterious effect upon the sewage works, processes, equipment, or other receiving waters, or which otherwise create a hazard to life, or constitutes a public nuisance, the Town Board may:

- a. Reject the waters or waste;
- b. Require pretreatment to an acceptable condition for discharge to the District sewer system;
- c. Require control over the quantities and rates of discharge and/or
- d. Require that periodic reports be filed with them at intervals not exceeding six (6) months each, containing the following material:
  - i. The specific action, if any taken, to achieve compliance with Section 307 of the United States Public Law No. 95-217, and any pretreatment requirements mandated by any statute, rule or regulation of New York State, or any of its departments, agencies, or bureaus;
  - ii. Results of a comprehensive sampling and laboratory testing program indicating the characteristics of the wastewater so discharged in terms of parameters that will adequately identify the waste. The types of testing and frequency of testing for each such person discharging such wastewater shall be specified by the Administrator. All sampling and laboratory testing, required by the Administrator, shall be performed by each such person, and all costs and expenses incident to the testing, sampling, monitoring, and reporting with respect to providing data to the Administrator, the New York State Department of Environmental Conservation, the United States Environmental Protection Agency, or any other agency having jurisdiction shall be borne by such person.
- e. Require payment in excess of the existing taxes or sewer charges or rents to cover the added cost of handling and treating the wastes pursuant to the provisions of Section 607 of this Article and any applicable law.

If the Town Board permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment/equalization works and equipment shall be subject to the review and approval of the Town Board and subject to the requirements of all applicable codes, ordinances and laws.

705. Grease Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Board or the Administrator, such interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Administrator and shall be located as to be readily and easily accessible for cleaning and inspection.

706. Maintenance of Pretreatment Facilities

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

707. Control and Inspection Manhole

When required by the Town Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Administrator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

708. Measurements and Tests

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Local Law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the District sewer system to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples).

709. Review of Determination

- a. Any persons aggrieved by any decision or determination made by the Town Board or Administrator of the District pursuant to Section 704 hereof may bring a proceeding to

review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

- b. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment thereof, by the industrial concern, in accordance with applicable provisions of law.

ARTICLE VIII: DISPOSITION OF SCAVENGER WASTES

801. Scavenger Discharges Prohibited

The discharge of private scavenger wastes into the District sewer system and public sewers tributary thereto shall not be permitted.

## ARTICLE IX: SIGNIFICANT INDUSTRIAL USERS

### 901. Significant Industrial Users

The connection of any Significant Industrial Users as defined within Section 201 (ak) into the District sewer system and sewers tributary thereto shall not be permitted.

## ARTICLE X: PROTECTION FROM DAMAGE

### 1001. Protection from Damage

Any person who willfully or negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure, appurtenance, or equipment which is a part of the District sewer system, or public sewer tributary thereto, will be in violation of this Local Law, immediately arrested under the charge of disorderly conduct, and subject to the penalties provided herein.

### 1002. Notification of Discharge

Any user who accidentally discharges wastes in violation of this Local Law shall immediately notify the Administrator and the Town. Notification shall be followed within fifteen (15) days by a detailed, written statement describing the causes of the accidental discharge, and the measures taken to prevent future occurrence. Such notification will not serve to relieve the user of liability for any expense, loss, or damage to the Town sewer system, or for any fines imposed by the Town of Delaware under applicable State and Federal regulations.

### 1003. Submission of Plans

Any user who discharges industrial wastes, as distinct from sanitary sewage, shall be required to submit to the Town board detailed plans to show facilities, and operating procedures to provide protection from accidental direct or indirect discharge of deleterious materials or wastes to the District sewer system.

## ARTICLE XI: ENFORCEMENT AND PENALTIES

### 1101. Enforcement

- a. The Administrator shall have the responsibility of enforcing the provisions of this Local Law. Where a violation of said provisions is found, the Administrator shall notify the alleged offender by certified mail of the nature of the violation, and prescribe a period of time not to exceed thirty (30) days within which the specified violation must be corrected. Such period of time maybe extended by the Town Board.
- b. If the violation is not corrected within the period specified in said notice, the Administrator may take such action as provided in Article XI, Section 1102 of this Local Law.

### 1102. Penalties and Civil Remedies

- a. A violation of the provision of this Local Law is an offense, and each such violation may be punished by a fine not exceeding Five Hundred (\$500) Dollars for the first offense and by a fine not exceeding One Thousand (\$1,000) Dollars for each subsequent offense or by imprisonment for a period not exceeding six (6) months or by both such fine and imprisonment. In lieu of, or in addition to such fine, each such violation shall be subject to a civil penalty, not exceeding One Thousand (\$1,000) Dollars for any one violation, to be recovered in an action or proceeding brought by the Town Attorney in the name of the Town and the District in a court of competent jurisdiction. Each day a violation continues shall be subject to a separate fine, or civil penalty.
- b. The Town Attorney may maintain an action or proceeding in the name of the Town and the District in a court of competent jurisdiction to compel compliance with, or restrain by injunction, any violation of this Local Law, notwithstanding the provisions hereof for a penalty or other punishment.
- c. Where any violation of this Local Law causes additional expense to the Town or the District shall have a cause of action against the violator to recover such additional cost. The cause of action may be asserted at the discretion of the Administrator and shall be in addition to the fine, penalty and injunction hereinabove provided, and shall be brought by the Town Attorney in the name of the Town and the District in a court of competent jurisdiction.



## ARTICLE XII: EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS

### 1201. Laws Repealed and Interpretation

This local law shall supercede Local Law No 5 of 1982 entitled “A local law establishing the rules, regulations and requirements in relation to the use of public and private sewers, private sewage disposal, the installation and connection of building sewers, and the discharge of sewage, industrial wastes or other wastes into the sewage system of the Town of Delaware Sewer District #1 and all public and private sewers tributary thereto, and prescribing penalties for violations thereof.” The Town Board does not intended that the meaning and interpretations adopted or used pursuant to said Local Law No. 5 of 1982 shall change as a result of the adoption of this local law. Rather it is the intent of the Town Board of the Town of Delaware in enacting this local law to adopt common regulations for all sewer districts within the Town. It is further intended that this local law shall unless amended or modified by the Town Board to apply to all other sewer districts organized in the Town of Delaware after the effective date of this local law.

### 1202. Separability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair r invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, or part thereof directly involved in the controversy in which such judgement, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

### 1203. Effective Date

This local law shall take effect immediately.

## EFFLUENT CONCENTRATION LIMITS FOR TOXIC SUBSTANCES

<u>Parameters</u>	<u>Discharge Concentration Limits (mg/l)</u>
Cadmium	0.2
Hex. Chromium	0.1
Total Chromium	2.0
Copper	0.4
Lead	0.1
Mercury	0.1
Nickel	2.0
Zinc	0.6
Arsenic	0.1
Available Chlorine	50.0
Cyanide-Free	0.2
Cyanide-complex	0.8
Selenium	0.1
Sulphide	3.0
Barium	2.0
Manganese	2.0
Gold	0.1
Silver	0.1
Fluorides	
*To fresh water	2.0
*To saline water	18.0
Phenol	2.0

\*If water is fluoridated, multiply by 1.5

NOTE: Effluent limitations promulgated by the Federal Water Pollution Control Act (the Act) shall apply in any instance where they are more stringent than those in the Local Law. Under Section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines listed under Section (b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the administrative head pursuant to Section 304(b) of the Act.

ATTACHMENT VIII

The basis of charge for the capital recovery portion of the District's yearly bill shall be determined from the following schedule of units. In the event where the units are computed to a fraction, the next highest quarter unit shall be the unit of use.

At this time it is calculated that there are 274.25 equivalent capital charge units in the District.

<u>Classification of Property</u>	<u>Chargeable Units</u>	<u>Unit Rate</u>	<u>Equivalent Units</u>
Single Family Dwelling	124	1	124
Two Family Housing	5	2	10
Three Family Housing	3	3	9
Four Family Housing	3	4	12
Five Family Housing	1	5	5
Six Family Housing	1	6	6
Single Apartment (in Multi-Use Bldg.)	12	1	12
Car Wash	2	1/bay	2
Laundry (5-15 Machines)	1	2	2
Bank, Library, Post Office, Community Center, Newspaper, Churches, Theater	10	1	10
Commercial (Offices, Shops)	43	.75	32.25

Restaurant/Bar (0-20 Seats)	4	1	4
(20-50 Seats)	4	2	8
(50+ Seats)	1	3	3
Hotel	4	.75/rm	3
Vacant Lots < 1 ac.	28	.75/lot	21
> 1 ac.	44.8	.25/lot	<u>11.25</u>
Total			274.75

ATTACHMENT IX

The basis of charge for the sewer portion of the District yearly bill shall be determined from the following schedule of units. In the event where the units are computed to a fraction, the next highest quarter unit shall be the unit of use.

At this time it is calculated that there are 242.5 equivalent sewer use charge units in the District.

<u>Classification of Property</u>	<u>Chargeable Units</u>	<u>Unit Rate</u>	<u>Equivalent Units</u>
Single Family Dwelling	124	1	124
Two Family Housing	5	2	10
Three Family Housing	3	3	9
Four Family Housing	3	4	12
Five Family Housing	1	5	5
Six Family Housing	1	6	6
Single Apartment (in Multi-Use Bldg.)	12	1	12
Laundry (5-15 Machines)	1	2	2
Car Wash	2	1/bay	2
Bank, Library, Post Office, Community Center, Newspaper, Churches, Theater	10	1	10
Commercial (Offices, Shops)	43	.75	32.25

Restaurant/Bar (0-20 Seats)	4	1	4
(20-50 Seats)	4	2	8
(50+ Seats)	1	3	3
Hotel	4	.75/rm	3

Total

242.25 Units

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 11 of the (County)(City)(Town)(Village) of Delaware was duly passed by the Town Board on December 12 1991, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

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

**3. (Final adoption by referendum.)**

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

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

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

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

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

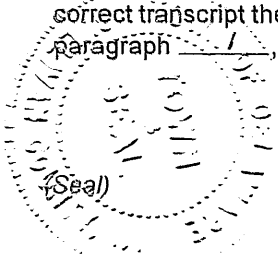
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

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

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

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

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



*[Handwritten Signature]*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7-12-2011

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

STATE OF NEW YORK  
COUNTY OF SULLIVAN

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

*[Handwritten Signature]*

Signature Town Attorney

Title \_\_\_\_\_

County \_\_\_\_\_  
City of DELAWARE

Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 7/14/11