

## **CHAPTER 46: SEWER USE**

### **ARTICLE I - GENERAL PROVISIONS**

#### **§ 46.1 Title**

This chapter shall be known and may be cited as the "Sewer Use Law of the Town of Camillus, New York".

#### **§ 46.2 Definitions**

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

1. "Biochemical oxygen demand" ("BOD") shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.
2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
5. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
6. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
7. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
8. "Industrial user" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual", 1972 edition, as published by the Executive Office of the President and who utilizes the services of the Town's sewer system.
9. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

10. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
11. "New York State Department of Environmental Conservation: or "NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.
12. "May" is permissive. (See "shall", Par. 23.)
13. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
14. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .
15. "Pretreatment" shall mean the reduction of the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6 General Pretreatment Regulations for Existing and New Sources of Pollution.
16. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have 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 greater than 1/2 inch (1.27 centimeters) in any dimension.
17. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
18. "Publicly owned treatment works (POTW)" shall mean a treatment works as defined by Section 212 of the Act (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
19. "POTW Treatment Plant" shall mean that portion of the municipal system which is designed to provide treatment (including recycling and reclamation) wastes received by the municipal system.
20. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
21. "Sewage" is the spent water of a community. The preferred term is "wastewater". Par. 30.
22. "Sewer" shall mean a pipe or conduit that carried wastewater or drainage water.

23. "Shall" is mandatory. (See "may", Par. 12.)
24. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
25. "SPDES" shall denote the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the State.
26. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
27. "Superintendent" shall mean the Town engineer or other Enforcement Officer designated by the Town Board to enforce this Chapter or his or her authorized deputy, agent or representative.
28. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
29. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
30. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
31. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

## **ARTICLE II - USE OF PUBLIC SEWERS REQUIRED**

### ***§ 46.21 Unsanitary disposal of wastes prohibited***

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Camillus, or in any area under the jurisdiction of the Town, any

human or animal excrement, garbage, or objectionable waste.

***§ 46.22 Discharge of untreated sewage prohibited***

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

***§ 46.23 Use of privies, septic tanks and other facilities restricted***

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

***§ 46.24 Connection to available public sewer required***

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town or any Sewer District of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. This section shall not apply to Onondaga Road Sewer District.

**ARTICLE III - PRIVATE WASTEWATER DISPOSAL**

***§ 46.31 Private wastewater disposal***

Where a public sanitary or combined sewer is not available under the provisions of § 46.24, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

***§ 46.32 Permit required; fees***

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the Town Clerk at the time the application is filed.

***§ 46.33 Inspection***

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event the applicant for the permit shall notify the Superintendent when

the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

#### **§ 46.34 Procedure**

A. Responsibility of applicant

The applicant shall be responsible for furnishing all percolation tests, plans, engineering and land surveying services, and all other data and information required under the provisions of this Article, to the satisfaction of the Superintendent and other authorities having jurisdiction.

B. Applications

Applications for permits shall be in writing, shall be signed by the applicant and shall include the following:

1. Name and address of applicant (the owner)
2. An adequately referenced location sketch of property on which construction, alteration or extension is proposed.
3. Complete plan of the proposed private disposal wastewater system with substantiating data, attesting to its compliance with the minimum standards. The Superintendent may require additional copies of such plan.

C. Building permits

A building permit shall not be issued until the final plans for a private wastewater disposal system have been approved by the Superintendent and any other authority having jurisdiction.

D. Certificates of occupancy

Certificates of occupancy shall not be issued until the Superintendent has inspected the system during the construction and found it to be in conformance with the approved plans.

E. Stop work orders

The Superintendent may order all further work in and about any private wastewater disposal system which is to be erected or installed in violation of this Article, to be stopped forthwith.

#### **§ 46.35 General standards**

The design of a private wastewater disposal system shall take into consideration location with respect to wells or other sources of water supply, topography, existing private wastewater disposal systems on adjacent properties, water table, soil characteristics, available area, expected volume of sewage, and shall comply with the following provisions:

A. Volume of sanitary sewage

Each unit of the disposal system shall be designed to adequately treat the estimated volume of sanitary sewage to be discharged from the premises to be served. The volume of sewage flow for private residences shall be based upon one hundred fifty (150) gallons per bedroom. For other establishments,

refer to Bulletin I, Part II table entitled "Quantities of Sewage Flow," N.Y.S. Health Department.

**B. Excluded wastes**

Drainage from basement floors, footing or roofs shall not enter the private wastewater disposal system.

**C. Drainage**

The private wastewater disposal system shall be located in an area where no surface or sub-surface (ground) water will accumulate. Provisions shall be made to minimize the flow of surface water over the area.

**D. Wells**

Sanitary sewage or the effluent from any private wastewater disposal system shall not be discharged into any abandoned well or any well reaching into the ground water.

**E. Maintenance**

Septic tanks, seepage pits and disposal fields shall be maintained in a manner that will not create any nuisance due to seepage to the surface of the ground, or due to gas emission, nor become a source of pollution to any of the waters of the State.

**F. Location distances**

The minimum distance for location of the various component parts of the disposal system shall comply with the following table:

Component	Building Sewer Line	Septic Tank (Pit) (Feet) (a)	Bank of Stream or Ditch (a)	Disposal Field	Property Line	Disposal Field	Seepage Pits
Building Sewer	50'	10'	2'	--	10'	--	--
Septic Tank	50'	10'	2'	10'	10'	--	--
Disposal Field	100'	10'	2'	20'	10'	--	--
Seepage Pit	100'	10'	2'	20'	10'	20'	20'

- a. Where special soil formations or other conditions are encountered, the distance from any water supply or stream or ditch may be increased by the authority having jurisdiction.

NOTE: Exceptions to the above will be left to the discretion of health or other authority having jurisdiction.

**G. Area reserved for private wastewater disposal**

The area to be used for private wastewater disposal shall be selected and maintained so that it is free from encroachments by driveways, accessory buildings, additions to the main building and trees or shrubbery whose roots may cause clogging of any part of the system.

H. Building sewer

The building sewer shall be of such size as required by the State Plumbing Code but in no case shall it be less than four (4) inches.

1. All pipe joints in the building sewer shall be made watertight.
2. The sewer connection shall be laid on a firm foundation.
3. The building sewer shall have a minimum grade of not less than one-fourth (1/4) inch per foot and the sewer connection shall be laid on a continuous grade and also in a straight line. Horizontal bends, where necessary, shall not be greater than forty-five degrees (45°).

I. Septic tanks

Septic tanks shall have the following minimum capacities, when serving single family dwelling units as shown below. Expansion attics shall be considered as additional bedrooms.

Number of Bedrooms	Liquid capacity of Tank (Gallons)
2 or less	750
3	900
4	1000
For each additional bedroom add	250

Septic tanks shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage or to cracking or buckling due to settlement or back-filling. Covers shall be designed and constructed so as not to be damaged by any load which may be placed on them.

Septic tanks shall be constructed on a satisfactory foundation.

Septic tanks may be constructed of the following:

1. Poured-in-place concrete (minimum wall thickness six (6) inches).
2. Precast reinforced concrete
3. Heavy weight concrete block or equal
4. Prefabricated metal (Comm. Stand. 177-62)
5. The liquid depth of the tank or a compartment thereof shall be not less than thirty (30) inches

J. Diameter of circular tanks

No tank or compartment thereof shall have an inside horizontal dimension less than thirty-six (36) inches.

K. Inlets and outlets

Inlet and outlet connections of each tank or compartment shall be arranged so as to obtain effective retention of scum and sludge. An inlet baffle is not required when the tank is provided with a venter pipe tee, not less than four (4) inches in diameter with the bottom opening extending at least six (6) inches below the surface of the liquid, or as required by commercial Standard 177-62 for metal tanks. The invert elevation of the inlet shall not be less than one (1) inch (preferably three [3] inches) above the invert elevation of the tank outlet or the outlet of the first compartment.

Outlet connections of the tank and of each compartment thereof shall be provided with a tee not less than four (4) inches in diameter or a durable baffle equivalent in size. They shall be permanently fastened in place with the bottom opening extending to the depth of about forty percent (40%) of the liquid depth. There shall be a clear space between the top of baffle and the inside roof of tank not less than one (1) inch.

L. Scum storage

The space between the liquid surface and the top of the scum retaining device on the outlet shall be not less than fifteen percent (15%) of the total required liquid capacity.

M. Access openings

In single compartment tanks, an access opening shall be located over the inlet. In multiple compartment tanks, access openings shall be located over each inlet and outlet. Access to each compartment of the tank shall be by means of a sixteen (16) inch minimum size manhole or a removable cover.

N. Connecting pipe

The pipe connecting the septic tank and distribution box or dosing device shall consist of an approved material, shall have tight joints and shall be a minimum of four (4) inches.

O. Distribution

A distribution box shall be installed between septic tanks and disposal fields or seepage pits. If only one (1) seepage pit is used, no distribution box is required. A dosing device shall be provided where there are over five hundred (500) lineal feet of open jointed or perforated distribution lines.

Distribution boxes shall be watertight, constructed of concrete or an approved material and laid on a firm foundation. They shall be so constructed to provide equal distribution to disposal system.

Distribution boxes shall be provided with a means of access. The invert of the inlet shall be at least one (1) inch above the inverts of the outlets.

P. Disposal areas

The disposal area is the entire area used for underground dispersion

Q. Percolation tests



1. At least one (1) percolation test shall be performed at the site of each disposal area. More than one (1) test will be required where the soil structure may vary or large disposal areas are required.
2. Tests shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of the health or other authority having jurisdiction.
3. Percolation tests shall be performed in accordance with the following procedure:
  - a. Dig a hole with vertical sides having a diameter of approximately twelve (12) inches. If a tile field is being considered, the depth of the percolation test hole should be six (6) inches below the proposed trench bottom or approximately thirty (30) inches below the final ground surface. If a seepage pit or cesspool is under consideration, then percolation tests should be run at one-half (1/2) the depth and also at the full estimated depth of the seepage pit. In order to facilitate the running of the test, a larger excavation should be made for the upper portion of the hole with the actual test hole in the bottom.
  - b. Fill the test hole with water and allow it to completely seep away. This is known as presoaking and must be done several hours before the test and again at the time of the test. After the water has seeped away remove any loose soil that has fallen from the sides of the hole.
  - c. Pour clean water into the hole, with as little splashing as possible, to a depth of six (6) inches.
  - d. Observe and record the time in minutes required for the water to drop one (1) inch (from the six (6) inch to the five (5) inch mark).
  - e. Repeat the test a minimum of three (3) times until the time for the water to drop one (1) inch, for two (2) successive tests give approximately equal results. The last test will then be taken as the stabilized rate of percolation and the time recorded for this test will be used as the design basis for determining the square footage of leaching or absorption area required for a subsurface system.

R. Minimum percolating area

The minimum required percolating area per bedroom shall be determined from the following table:

Percolation rate (Time required for water to fall over (1) inch in minutes)	Required absorption area in sq. ft. per bedroom <sup>1</sup> standard trench <sup>2</sup> & Seepage pits <sup>3</sup>
0-5	125
10	165

---

<sup>1</sup>In every case, sufficient area should be provided for at least two (2) bedrooms.

<sup>2</sup>Absorption area for standard trenches is figured as trench-bottom area.

<sup>3</sup>Absorption area for seepage pits is figured as effective sidewall area beneath the inlet.

15	190
30 <sub>4</sub>	250
45 <sub>4</sub>	300
60 <sup>45</sup>	330

S. Sub-soil and ground water determination

1. Additional information will generally be required relative to soil structure and ground water elevations adjacent to or below the proposed disposal area.
2. The number of test borings or pits shall be made according to satisfaction of the responsible health or other authority having jurisdiction.

T. Disposal fields filter material

Filter material shall cover the distribution lines and extend the full width of the trench or bed, shall not be less than six (6) inches deep beneath the bottom of the distribution line, and shall extend at least two (2) inches above the top of the line. The filter material shall be washed gravel or crushed stone, ranging in size from one-half (1/2) to two and one-half (2 1/2) inches, free of fines, dust, ashes or clay. The filter material shall be covered by building paper or by a two (2) inch layer of hay or straw.

U. Distribution lines

Distribution lines shall be constructed true to line and grade. Agricultural tile, bituminized-fibre, asbestos cement or equally adequate pipe may be used. In case of agricultural tile, openings between joints shall be one-eighth (1/8) inch to one-fourth (1/4) inch with the upper one-half (1/2) of the joint covered with treated paper.

V. Backfill

Backfill over disposal trenches or beds shall not be tamped and no grading machinery shall be permitted to pass over the area.

W. Disposal trench construction

Disposal trenches shall be constructed in accordance with the following table:

Minimum lines per field	2
Maximum length per line	100 feet (preferably 60 feet)

---

<sup>4</sup>Unsuitable for seepage pits if over thirty (30).

<sup>4</sup>Unsuitable for leaching systems if over sixty (60).

Minimum diameter of distribution lines	4 inches
Slope of distribution lines	2 inches to 6 inches in 100 feet
Maximum depth of trench	30 inches
Minimum distance between distribution lines:	
18" trench	6.5' c. to c.
24" trench	7' c. to c.
36" trench	8' c. to c.
Minimum depth of stone under distribution lines	6 inches
Minimum bottom of trench or seepage pit to ground water	24 inches

**X. Seepage pits**

Seepage pits shall be used only when preceded by a septic tank.

**Y. Construction**

Seepage pits shall be constructed of brick, cinder or concrete block, or similar material laid dry with open joints. All joints above the inlet shall be made watertight.

**Z. Backfill**

The space between the excavation and seepage pit wall shall be backfilled with at least six (6) inches of coarse gravel or crushed stone. Where cinder or concrete blocks are laid with core openings exposed, the space between the excavation and seepage pit wall shall be backfilled with at least six (6) inches of two and one-half (2 1/2) inch crushed stone or similar material. A watertight and structurally safe cover shall be provided.

**AA. Dry wells**

Dry well permitted. A dry well may be utilized to receive the drainage from roofs, basements or areaways, providing its installation will not interfere with the operation of the private wastewater disposal system.

***§ 46.36 Connection with public sewer when available***

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 46.24, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

***§ 46.37 Operation at owner's expense***

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

**§ 46.38 Health Officer may impose additional requirements**

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**ARTICLE IV - BUILDING SEWERS AND CONNECTIONS**

**§ 46.41 Permit required to connect with public sewer**

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 Superintendent.

**§ 46.42 Classes of permits**

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

1. For residential and commercial service

2. For service to establishments producing industrial waste.<sup>6</sup>

In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

**§ 46.43 Costs to be borne by owner**

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

**§ 46.44 Separate building sewers; exception**

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

---

<sup>6</sup> See § 46.50 for special provisions.

***§ 46.45 Old building sewers, when permitted***

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

***§ 46.46 Construction to conform to rules and regulations***

The size, slope, alignment, materials 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 all conform to requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

***§ 46.47 Required elevation of building sewer***

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

***§ 46.48 Drainage connections to sanitary sewer prohibited***

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

***§ 46.49 Standards for connection to public sewer***

A. Applicable rules and regulations

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

B. Superintendent to inspect connection

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

C. Guarding of excavations; restoration

All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to Town.

### **§ 46.50 Industrial users**

A permit issued pursuant to § 46.42(2) shall be subject to the following conditions:

#### **A. Permit applications**

A permit application for industrial users shall provide the following information:

1. Anticipated volume computed on a daily, weekly and monthly basis; and if seasonal or otherwise irregular, the anticipated peak periods
2. Constituents
3. Characteristics of wastewater
4. Flow rate
5. Each product produced by type
6. Amount and rate of production; and
7. Description of activities, facilities and plant process on the premises including all materials processed and types of materials which are or could be discharged.

#### **B. Terms and conditions**

1. Any permit issued under this Section shall contain such limits and restrictions on volume, constituents, characteristics of waste-water and flow rates as may be determined by the Superintendent as reasonably necessary to equitably allocate the capacity of the POTW and to safeguard the public health, safety and welfare; and such other requirements as may be determined by the Superintendent pursuant to Article V of this Chapter.
2. Permits shall contain specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.

#### **C. Modifications by Town**

1. The permit terms and conditions shall be subject to modification and change by the Superintendent. Except in case of emergency, the Superintendent shall notify the permit holder at least thirty (30) days in advance in writing served either personally or by certified mail, return receipt requested, at the permit holder's place of business within the Town. Such notice shall specify the proposed changes or modifications, the reasons therefor, and the proposed effective date; a statement that the permit holder may submit in writing any objections, counter

proposals or justification for continuation of any or all of the terms or conditions of the permit; and also the right to request a hearing before the Superintendent, if demanded within the 30 day period, and to be represented by counsel and to present proof and rebut any evidence produced at the hearing.

2. Compliance with any final order of the Superintendent under this Subdivision shall not be required sooner than 30 days after service upon the permit holder, as above provided, except in case of emergency.

D. Modifications at request of permit holder.

An industrial user shall apply for a permit modification if production or process is changed so that wastewater characteristics or flow is altered.

E. Assignment or transfer of permit

A permit issued pursuant to this Section shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.

F. Maximum time period

A permit issued pursuant to this Section shall be for a period not to exceed five (5) years; provided, however, that a permit may be extended for additional periods not to exceed five (5) years each upon payment of the required fee and submission of a new application as provided in Subdivision A of this Section. Such application shall be submitted within six (6) months and not less than one month prior to expiration of a permit.

G. Revocation of permit

A permit may be revoked by the Superintendent for any of the following conditions:

1. Any false information submitted in the permit application.
2. Wilfully exceeding the limits and restrictions as to volume, constituents, characteristics of wastewater and flow rates as specified in the permit.
3. Wilfully failing to maintain monitoring programs as required by the Superintendent.
4. Failure to take corrective action as specified by the Superintendent within the time specified.
5. Failure to pay any charges, fees or sewer rents within three (3) months after falling due.

H. Enforcement

Conditions of wastewater discharge permits shall be uniformly enforced by the Town in accordance with this Chapter and applicable State and Federal regulations, Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges and fees established by the Town and applicable State and Federal regulations.

## ARTICLE V - USE OF THE PUBLIC SEWERS

### ***§ 46.51 Discharge of surface waters in sanitary sewer prohibited***

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

### ***§ 46.52 Discharge of stormwater or unpolluted drainage<sup>7</sup>***

Storm water other than that exempted under § 46.51, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

### ***§ 46.53 Prohibited waters or wastes***

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

### ***§ 46.54 Restrictions on discharge of certain wastes***

The following described substances, materials, waters, or waste shall be limited in discharges to municipal

---

<sup>7</sup> A SPDES permit must be applied for and is subject to Federal and State regulations.



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

1. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius) or in such quantities that the temperature at the treatment works influent exceeds 104° Fahrenheit (40° Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat, or grease.
4. Any garbage that has not been properly shredded (see § 46.2 (16)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials as shown in Appendix A. or as set in a categorical pretreatment standard.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, State or Federal regulations.
8. Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection systems, or create a condition deleterious to structures and treatment processes.

11. Any substance which may cause the POTW'S effluent or any other product of the POTW such as residues, sludge, or scums, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

#### ***§ 46.55 Authority of Superintendent over certain wastes***

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 46.54 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes:
2. Require pretreatment to an acceptable condition for discharge to the public sewers:
3. Require control over the quantities and rates of discharge: and/or
4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 46.61.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

#### ***§ 46.56 Grease, oil and sand interceptors***

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in § 46.54(3), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

#### ***§ 46.57 Facilities to be maintained by owner***

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

#### **§ 46.58 Access structure**

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

#### **§ 46.59 Information to be furnished by user**

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Chapter. These requirements may include:

1. Wastewaters discharge peak rate and volume over a specified time period
2. Chemical analyses of wastewaters
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details and plans of operation of wastewater pretreatment facilities.
8. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

#### **§ 46.60 Measurement, tests, analyses**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter 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. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

#### **§ 46.61 Special agreements permitted**

Special agreements and arrangements between the municipality and any persons or agencies may be established when in the opinion of the municipality, unusual or extraordinary circumstances compel special terms and conditions. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC in accordance with Section 307 of PL 95-217.

#### **§ 46.62 Specific requirements**

**A. Accidental discharges**

An industrial user shall notify the Town immediately upon accidentally discharging wastes in violation of this Chapter. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the Town under applicable State and Federal regulations.

**B. Required notice**

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

**C. Connections to plumbing or drainage system**

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Chapter.

**D. Compliance with Federal or State pretreatment regulations, etc.**

When pretreatment regulations are adopted by USEPA for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Town.

**E. Reservation by town to enact additional requirements**

The Town reserves the right to establish by local law, ordinance, rule or regulation, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Chapter.

**F. Dilution of discharges**

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

## **ARTICLE VI - PROTECTION FROM DAMAGE**

### ***§ 46.65 Damaging or tampering with sewer***

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater facilities. Any person violating this provision shall be subject to immediate arrest and prosecution.

## **ARTICLE VII - POWERS AND AUTHORITY OF INSPECTORS**

### ***§ 46.71 Right to make inspections***

Persons or occupants of premises where wastewater is produced or discharged shall allow the Town, USEPA, NYSDEC or their representative ready access at all times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by the Town's wastewater discharge laws 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.

### ***§ 46.72 Information that may be obtained; withholding of confidential information***

The Superintendent, or other duly authorized employees, is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

### ***§ 46.73 Observation of safety rules; save harmless clause, exception***

While performing the necessary work on private properties referred to in § 46.71, the Superintendent, or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 46.58.

### ***§ 46.74 Entry on easements***

The Superintendent and other duly authorized employees of the Town bearing proper credentials and

identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE VIII - PENALTIES**

### **§ 46.100 Penalties**

#### **A. Violation of § 46.65**

Any person who shall violate any provision of § 46.65 shall be guilty of a violation and on conviction thereof shall be punished by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

#### **B. False statements, etc.**

Any person who knowingly makes any false statement, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, or constructs or performs any work on a private wastewater disposal system without first obtaining a permit as provided in Article III, shall be punished by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

#### **C. Written notice of violation**

Any person found to be violating any provision of the foregoing Articles of this Chapter except § 46.65 or as otherwise provided in Subdivision B of this Section shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, which time limit shall in no event be longer than ninety (90) days. The offender shall, within the period of time stated in such notice, permanently cease all violations.

#### **D. Continued violation**

Any person who shall continue any violation beyond the time limit provided for in Subdivision C herein, shall be guilty of a violation, and on conviction thereof shall be punished by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) for each violation.

#### **E. Civil liability**

Any person violating any of the foregoing provisions of this Chapter shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

## SEWER USE: APPENDIX A - Toxic Substances

The following list establishes limits for various toxic substances to regulate industrial discharges at the point of entry into the municipal collection system.

<u>Parameter</u>	<u>Effluent Concentration Limits (mg/l)</u>	
	<u>30 Day Average</u>	<u>24 Hour Average</u>
Cadmium	0.4	0.8
Hex. Chromium	0.2	0.4
Total Chromium	4.0	8.0
Copper	0.8	1.6
Lead	0.2	0.4
Mercury	0.2	0.4
Nickel	4.0	8.0
Zinc	1.2	2.4
Arsenic	0.2	0.4
Available Chlorine	50.0	50.0
Cyanide-free	0.4	0.8
Cyanide-complex	1.6	3.2
Selenium	0.2	0.4
Sulfide	6.0	12.0
Barium	4.0	8.0
Manganese	4.0	8.0
Gold	0.2	0.4
Silver	0.2	0.4
Fluorides -		
To Fresh Water	4.0 <sup>8</sup>	8.0 <sub>6</sub>
To Saline Water	36.0	72.0
Phenol	4.0	8.0

---

<sup>8</sup>May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated

## Historical Note:

Local Law 13 -- 1994

Revised §46.24 to add “This section shall not apply to Onondaga Road Sewer District.” LL#1 1-08-02

## References:

Action by municipalities to prevent pollution of streams. ECL § 71-1919.

Contracts for purification of water and sewage. Gen Mun L § 120.

Contracts for sewage disposal. Gen Mun L § 120-a; § 119-a.

Discharge of sewage into waters. ECL § 17-1701.

Excess sewage capacity. Gen Mun L § 119, 119-a.

Industrial establishments, permission to discharge wastes. ECL § 17-1727.

Realty subdivisions. ECL § 17-1501 et seq.

(see *Mtr of Slavin v Ingraham*, 37 NY2d 653, refiling of map.)

Sewer rents. Gen Mun L § 450 et seq.

Special agreements. A municipality does not have authority to enter into a contract to establish sewer charges but may do so only by ordinance or local law. Gen Mun L § 452(2). *Vil of Canastota (Q'nsboro Farm)*, 44 AD2d 276, 278, 280, affd 36 NY2d 793.

State aid. ECL § 17-1901 et seq.

State pollutant discharge elimination system. ECL § 17-0801 et seq.

Water pollution control, generally. ECL § 17-0101 et seq.

Willful violation of health laws. ECL § 71-1711.