

CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
May 21, 2013

(For Introductory Purposes)

**LOCAL LAW # C-2013 - A LOCAL LAW REVISING CITY CODE SECTION
195 - SEWERS**

INTRODUCED BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of these amendments is to establish a uniform schedule of sewer rents, to establish equivalency between unit charges and metered charges for sewer use and to comply with regulatory requirements.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Code section 195 is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

Chapter 195, SEWERS

ARTICLE I, Use Regulations [Adopted 10-15-1991 by L.L. No. 1-1991]

§ 195-1. Authority.

Under the authority of the New York State Environmental Conservation Law and in accordance with the agreements relating to wastewater between the City of Amsterdam, Town of Amsterdam, Town of Florida, Village of Fort Johnson and the Village of Hagaman, the following article is hereby promulgated by the City of Amsterdam pertaining to the direct and indirect discharge of pollutants and wastewater into the city's publicly owned treatment works (POTW) and the towns and villages's local sewer systems.

§ 195-2. Definitions.

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

ACT -- The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 466 et seq.

APPLICANT OR OWNER -- An person requesting approval to discharge industrial or domestic wastewaters directly or indirectly into the facilities of the city or the Village of Hagaman.

APPROVED LABORATORY PROCEDURE -- Analytical test procedures identified in the Environmental Protection Agency (EPA) Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136) or as approved by the NYSDEC.

AUTHORIZED AGENT/REPRESENTATIVE OF INDUSTRIAL USER -- An authorized agent/representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice president if the industrial user is a corporation;
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; or
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under approved laboratory procedures, five days at 20° C. or 68° F., expressed in terms of milligrams per liter (mg/l).

BUILDING DRAIN -- The part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner surface of the foundation wall. (Synonymous with "drain.")

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal. (See "connection.")

CHEMICAL OXYGEN DEMAND (COD) -- The amount of oxygen required for the complete chemical oxidation of organics and oxidizable inorganics in a liquid under approved laboratory procedures, expressed as milligrams per liter (mg/l).

CITY -- The City of Amsterdam, County of Montgomery, State of New York, or the Common Council of the City of Amsterdam, acting through the Mayor or his designee, including the City Health Commissioner.

CITY DIRECTOR OF WATER AND SANITARY SEWERS -- City engineer or designated representative.

CITY ENGINEER -- The professional engineer retained as city engineer for the city or his authorized deputy, agent or representative.

COMBINED SEWER -- Any sewer which serves the function of transporting combined sanitary and/or industrial wastes and stormwater.

COMMISSIONER -- The Director of Public Works of the city or his authorized deputy, agent or representative.

COMMON COUNCIL -- The legislative governing body of the City of Amsterdam, New York.

CONNECTION -- Any building or house sewer, stormwater sewer, force main or other conduit or means permitting discharge of water or wastes directly or indirectly to a public sewer.

COOLING WATER -- The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in § 195-5 of this article.

CORPORATION COUNSEL -- The duly appointed and authorized attorney for the city.

DEPUTY MAYOR – The alderperson duly elected by the Common Council to be Deputy Mayor.

DISCHARGE -- The releasing, spilling, leaking, pumping, pouring, flowing, emitting, emptying or dumping of pollutants or wastewater into the POTW or local sewer system.

DOMESTIC SEWER -- See "separate sanitary sewer."

DOMESTIC WASTEWATER -- See "sanitary waste."

EFFLUENT -- Wastewater flowing out of any treatment device or facility.

ENVIRONMENTAL PROTECTION AGENCY (EPA) -- The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

FACILITIES -- Structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits, including treatment and disposal works, necessary interpreting, outfall and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

GARBAGE -- Strictly food waste, that is, organic material resulting from the domestic and/or commercial preparation, cooking, dispensing, handling, storage and/or sale of food.

GREASE OR OIL -- Includes the nonpetroleum based pollutants of animal and vegetable origin which are analyzed by the analytical method for oil and grease referenced in 40 CFR 136 and the petroleum-based pollutants analyzed by the method for petroleum hydrocarbons cited in Methods for Chemical Analysis of Water and Wastes, USEPA, Environmental Monitoring and Support Laboratory, Office of Research and Development, Cincinnati, Ohio, March 1979, including amendments and revisions.

GRIEVANCE COMMITTEE -- The committee of persons meeting for the purpose of hearing and determining complaints or appeals, from determinations made or established under this article. The grievance committee shall consist of the City Engineer, Deputy Mayor ~~Vice President of the Common Council~~ and the Corporation Counsel.

HOLDING TANK WASTE -- Wastes from detention tanks such as vessels, chemical toilets, septic tanks and vacuum-pump tank trucks.

INDUSTRIAL USER -- Any user of the POTW or local sewer system discharging wastewater containing industrial wastes and identified in the Standard Industrial Classification (SIC) Manual, 1972 Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- (1) Division A: agriculture, forestry and fishing.
- (2) Division B: mining.
- (3) Division D: manufacturing.
- (4) Division E: transportation, communications, electric, gas and sanitary services.
- (5) Division I: services.

INDUSTRIAL WASTE -- Any liquid, gaseous or solid substances or a combination thereof resulting in any process of industry, manufacturing, trade or business, as distinct from sanitary wastes and from cooling water.

INFILTRATION -- Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. Infiltration does not include, and is distinguished from, inflow.

Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain. [Added 2-15-2011 by L.L. No. 2-2011]

INFLOW -- Water, other than wastewater, that enters a sewer system (excluding building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs or swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed an/or built into the sewer or drain. [Added 2-15-2011 by L.L. No. 2-2011]

INFLUENT -- Wastewater, untreated or partly treated, flowing into a wastewater treatment device or facility.

INTERFERENCE -- Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment process or operation or its sludge process, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's State Pollutant Discharge Elimination (SPDES) permit (including an increase in the magnitude or duration of a violation) of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

LOCAL SEWER SYSTEM -- Any sewer or system of sewers which is connected directly or ultimately to the POTW and owned and/or operated by a participant. (Synonymous with "local sewerage system" and "local sewers.")

NATIONAL CATEGORICAL PRETREATMENT STANDARD -- Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act, which applies to a specific category of industrial users. (Synonymous with "categorical pretreatment standard.")

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

PERMIT -- A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342).

NATURAL OUTLET -- Any outlet not caused by a person allowing flow into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE -- Any building, structure, facility or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed regulations prescribing per § 307(c) of the Act (National Categorical Pretreatment Standards), which will be applicable to such source, if such standard is thereafter promulgated in accordance with that section.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) -- The New York State Department of Environmental Conservation or duly authorized officials of said Department.

OBJECTIONABLE COLOR -- A discoloration of water, caused by the discharge of substances, such as, but not limited to, dye wastes, tanning solutions and inks, which

would cause violation of the POTW treatment plant permit or the receiving water quality standards.

PARTICIPANTS -- The Town of Amsterdam, Town of Florida, Village of Fort Johnson and the Village of Haganan.

PASS THROUGH -- Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON -- Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or their representatives, agents or assignors. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

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

POLLUTANT -- Any dredged spoil, solid waste, incinerator residue, sewage, garbage, 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 water.

POLLUTION -- The man-made or man-induced alteration of the natural chemical, physical, biological and radiological properties of water.

POTW TREATMENT PLANT -- That portion of the POTW designed to provide treatment to wastewater.

PREMISES -- Any parcel of real property, including land, improvements or appurtenances, buildings, ground, etc.

PRETREATMENT -- The application of physical, chemical or biological processes to reduce the amount of pollutants in, or alter the nature of the polluting properties of, wastewater prior to discharging such wastewater to the POTW or local sewer system.

PRETREATMENT STANDARDS -- All applicable federal, state or local substantive or procedural requirements related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW) -- A treatment works, as defined by § 212 of the Act, which is owned by the city. This definition includes public sewers within the city and excludes those included in the local sewer system.

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

SANITARY WASTE -- Washwater, culinary wastes and liquid waste containing human excreta and similar matter. Sanitary waste does not include and is distinguished from industrial waste or cooling water. (Synonymous with "domestic wastewater.")

SEPARATE SANITARY SEWER -- A sewer intended to transport only sanitary waste and to which stormwater, surface water and groundwater are not intentionally admitted. (Synonymous with "domestic sewer.")

SERVICE AGREEMENT -- The service agreement between the city and the participant.

SEWER -- A pipe or conduit for carrying wastewater.

SHREDDED GARBAGE -- Garbage shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in sewers, with no particle having a dimension greater than 1/2 inch in any direction.

SIGNIFICANT INDUSTRIAL USER -- All industrial users subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N; and

(1) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the City of Amsterdam as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

(2) Upon a finding that an industrial user meeting the criteria described herein has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Amsterdam [or Control Authority as defined in 40 CFR 403.12(a)] may at any time, on its own initiative or in response to a petition received from an industrial user or POTW and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE – Any violation that meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;

- (8) Any other violation or group of violations, which may include a violation of best management practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) -- A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget, as amended and supplemented.

STATE -- The State of New York.

STATE LAWS -- The Annotated Laws of the State of New York.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT -- A permit issued pursuant to 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.

STORM SEWER -- A conduit which is intended to transport only storm and surface waters and drainage to which sanitary wastes are not intentionally admitted.

(Synonymous with "storm drain.")

STORMWATER -- Any flow resulting from any form of natural precipitation, excluding flow which becomes part of the groundwater.

SUBSTANCES OF CONCERN -- Those pollutants specifically cited by the NYSDEC as "substances of concern."

SUSPENDED SOLIDS (SS) -- The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by filtering under standard laboratory procedures for total suspended residue.

TOWN -- Town of Amsterdam or Town of Florida. (Synonymous with "participant.")

TOXIC POLLUTANT OR TOXIC SUBSTANCE -- Those pollutants, or combinations of pollutants, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains may, on the basis of information available to the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction or physical deformation in such organisms of their offspring. Toxic pollutants shall include but shall not be limited to those pollutants designated under § 307 of the Act.

UNPOLLUTED WATER -- Water to which no pollutant has been added.

USER -- Any person who contributes, causes or permits the contribution of pollutants or wastewater into the POTW or local sewer system.

~~VICE PRESIDENT OF THE COMMON COUNCIL -- The Alderman duly elected by the Common Council as its Vice President.~~

VILLAGE -- The Village of Haganan or Village of Fort Johnson. (Synonymous with "participant.")

WASTES -- Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER -- The liquid and water-carried industrial or sanitary wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater, that may be present, whether treated or untreated, which enters the POTW or the local sewer systems. (Synonymous with "sewage.")

B. The term "shall" is mandatory; "may" is permissive.

§ 195-3. Purpose and policy.

A. This article sets forth uniform guidelines for the direct and indirect discharge of pollutants and wastewater into the POTW and local sewer system and enables the city to comply with applicable state and federal laws and the general pretreatment regulations (40 CFR 403). In general, the objectives of this article are:

(1) To promote the general welfare, to prevent disease and to promote health and to provide for the public safety by regulating the use of public and private sewers and drains, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system.

(2) To prevent the introduction into the POTW and local sewer system of pollutants which will cause interference with the POTW, including the sludge process, or which will inhibit or impede the POTW operations.

(3) To prevent the introduction into the POTW and local sewer system of pollutants which will pass through the POTW.

(4) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW.

(5) To provide for charges relative thereto and penalties for violation thereof.

B. This article provides for the regulation of the direct and the indirect discharge of pollutants and wastewater into the POTW and local sewer system through the issuance of permits and through enforcement of the prohibitions and limitations set forth in this article.

C. This article shall apply to all users of the POTW and the local sewer system and the participants. Except as otherwise provided herein, the city shall administer, implement and enforce the provisions of this article.

§ 195-4. Mandatory use of public sewers.

A. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the city is required, at his expense, to install suitable toilet facilities therein. All new facilities shall be connected with the proper public sewer.

B. All wastes, domestic wastewater or industrial waste within the city shall be discharged to the public sewer and approved by the city.

(1) Before commencement of construction within the city, town or village, the owner shall first obtain a written permit. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city. A permit and inspection fee of \$150 shall be paid to the city at the time the application is filed.

(2) A permit shall not become effective until the installation is completed to the satisfaction of the city. The city shall be notified when the work is ready for final inspection and before any underground portions are covered.

(3) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

C. Whenever any drain connecting with any main drain or common sewer shall become clogged, obstructed, broken, out of order or detrimental to the use of the sewer or

other drains or unfit for the purpose of drainage, the owner, agent, occupant or person having charge of any building, yard, lot of land or other premises which are drained by said drain shall, when directed by the city, within five days after notice, in writing, from said city, remove, reconstruct, alter, cleanse or repair said drain, as the condition of said drain may require. In the case of neglect or refusal to remove, reconstruct, repair, alter or cleanse said drain for the space of five days, the city shall cause the same to be removed, reconstructed, repaired, altered or cleaned, as it may deem expedient at ~~at~~ the expense of the owner, agent, occupant or other person, as aforesaid.

§ 195-5. Prohibitions and limitations on direct and indirect discharges.

A. No user shall discharge or allow to be discharged directly or indirectly into the POTW or local sewer system any pollutants or wastewater which causes or would cause the influent at the receiving POTW treatment plant to exceed the POTW influent limitations prescribed in ~~Appendix A of this article~~ herein in section 195-5 (3); contain prohibited or limited material or substances as specified under this article, except upon approval of the city or except as otherwise expressly permitted by federal or state laws and regulations; or are not in conformance with the industrial wastewater discharge permit, food processing permit septage permit or sewer connection permit, as described in § 195-7; or can endanger life, limb, public property or constitute a nuisance; or passes through the POTW.

(1) Where the influent at the receiving POTW treatment plant exceeds the influent limitations for one or more pollutants, the cause of this condition shall be attributed to the industrial user or users which discharge the pollutant or pollutants in excess of that stipulated in their industrial wastewater discharge permit.

(2) Where no industrial user has been determined to be discharging in excess of the stipulations in their industrial wastewater discharge permit or where the achieving of compliance by all such industrial dischargers is anticipated to not reduce the influent concentration below the influent limitations, then the city, at its discretion, may determine and designate which industry or industries are to be required to reduce their discharges sufficiently to allow the influent at the POTW treatment plant to be at or below the influent limitations.

(3) Effluent Limit Concentrations

The following list establishes limits for various toxic substances to regulate industrial discharge at the point of entry in the City of Amsterdam’s collection system.

Effluent Concentration Limits (mg/l)

<u>Parameter</u>	<u>30-Day Average</u>	<u>24-Hour Average</u>
Cadmium	0.4	0.8
Hexavalent 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	30.0	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	6.0	13.2
Phenol	4.0	8.0

B. No user shall discharge directly or indirectly to the POTW or local sewer system any of the following:

(1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or local sewer system or to the operation of the POTW or local sewer system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5%, nor shall any single reading be over 10% of the lower explosive limit (standard methane calibration) of the meter. Such materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, alcohols, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the participants, NYSDEC or EPA have notified the user are a fire hazard or a hazard to the system or which the user should know are a hazard or fire hazard.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other problems with the operation of the POTW or local sewer system such as, but not limited to, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater which contains grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° F. and 150° F.

(4) Any wastewater containing more than 100 mg/l of oil or grease, unless specifically otherwise authorized in the industrial wastewater discharge permit.

(5) Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW or local sewer system.

(6) Any wastewater containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants, to cause interference with the POTW treatment plant, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW or to exceed the limitations set forth by EPA pursuant to § 307 of the Act.

- (7) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to inhibit or prevent entry into the sewers for maintenance and repair.
 - (8) Any wastewater containing more than 2.0 mg/l of total cyanide.
 - (9) Any wastewater with objectionable color.
 - (10) Any liquids, solids or gases having a temperature higher than 65° C. or 150° F. or heat in such amounts which will inhibit biological activity in the amounts which will inhibit biological activity in the POTW, but in no case shall the temperature at the POTW treatment plant influent exceed 40° C. or 104° F.
 - (11) Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which will cause interference. In no case shall a user's discharge have a flow rate or contain concentration of pollutants that exceed, for any fifteen-minute period, more than five times the daily maximum concentration, flow or mass discharge during normal operation.
 - (12) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flash point of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
 - (13) Any wastewater containing:
 - (a) Materials which are not amenable to treatment or reduction by the wastewater treatment process employed at the city's wastewater treatment plant or are amenable to treatment only to such a limited degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (b) Septic tank solids shall not be discharged into any manhole or other opening within the POTW or local sewerage system. Any septic hauler planning to discharge septage must first obtain a septage permit from the Director of Water and Sewers. Septage discharge will be performed under the conditions stated in the septage permit at a specified location and in accordance with the rules and regulations adopted by the Common Council. Industrial septage shall be prohibited.
- C. No user shall discharge, except as permitted by federal, state or local laws and regulations, stormwater, groundwater, rainwater, street drainage, subsurface drainage, floor or yard drainage through any direct to indirect connections to any separate sanitary sewer in the POTW or local sewer system.
- D. No user shall discharge directly or indirectly unpolluted water to any combined sewer in the POTW or local sewer system through any new connection. The governing participant or the city may approve the discharge of such water only when no reasonable alternative method of disposal is available.
- (1) Existing inflow sources to be disconnected. For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the City or its representative, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the City or its representative prior to the transfer of the property occurring after April 1, 2011. [Added 2-15-2011 by L.L. No. 1-2011]
 - (2) Existing inflow sources disconnected when property sold. Upon notice from the Tax Assessor, the City or its representative shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all

connections which contribute inflow have been disconnected. It shall be a violation for any person to allow an inflow source to remain connected where separate storm sewers within 100 feet of the property line or natural drainage are available for any property transferred after April 1, 2011. [Added 2-15-2011 by L.L. No. 1-2011]

(3) No reconnection of inflow source allowed. It shall be a violation for any person to reconnect any inflow source which has been disconnected pursuant to this chapter. [Added 2-15-2011 by L.L. No. 1-2011]

(4) New inflow sources prohibited. It shall be a violation for any person to connect any new inflow source where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the City or its representative, sufficient natural drainage is available. [Added 2-15-2011 by L.L. No. 1-2011]

E. No user shall discharge or cause to be discharged any radioactive material directly or indirectly into the POTW or local sewer system, except:

(1) When the user is authorized to use radioactive materials by the NYSDEC, the United States Nuclear Regulatory Commission or other governmental agency empowered to regulate the use of radioactive materials.

(2) When the waste is discharged in strict conformity with current NYSDEC and United States Nuclear Regulatory Commission regulations and recommendations for safe disposal and when the user is in compliance with all rules and regulations of all other applicable regulatory agencies.

F. Garbage grinders.

(1) No user shall discharge shredded garbage from garbage grinders directly or indirectly to the POTW or local sewer system through any connection except:

(a) Garbage generated in preparation of food normally consumed on the premises; or

(b) Where the user has obtained a food processing permit from the Director of Water and Sewers for that specific use.

(2) Plastic, glass, rags, paper or wood products, inert materials, garden refuse or any other residential, commercial or industrial solid wastes shall not be discharged through a garbage grinder.

G. No user in the city, town or village shall make any new connections or discharge any wastes directly or indirectly to the POTW through any new connection unless such connection has been approved by the city.

(1) No user shall make any new connections or discharge any wastes directly or indirectly to the local sewer system through any new connection unless such connection has been approved by a participant.

(2) No user shall connect or discharge any substances directly into a manhole or other structure appurtenant to the local sewer system or the POTW that was not designed or intended to receive such wastes, unless the governing participant and the city approve such connection and discharge.

(3) No person shall make any opening in, alter or disturb any public sewer without the approval of the governing participant and the city.

H. No user shall discharge any holding tank wastes containing industrial wastes directly or indirectly to the POTW or local sewer system.

(1) No user shall discharge, directly or indirectly, any holding tank waste containing sanitary waste unless he has received a septage permit from the Director of Water and

Sewers for such discharge to the POTW and such discharge occurs at a location designated by the city for this purpose.

(2) Unless otherwise allowed under the terms and conditions of the permit, a separate approval must be secured for each separate discharge. The permit will state the specific location and rate of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics.

I. No user shall discharge directly or indirectly to the POTW or local sewer system any wastewaters containing a BOD or SS concentration in excess of 300 mg/l without first obtaining approval from the city for discharge to the city and from a participant for discharge to the local sewer system. Such approvals may require the user to provide, at his own expense, a sampling location or manhole which shall be subject to the approval of the city and participant.

J. All laboratory analysis of the characteristics of wastewaters to which reference is made in this article shall be performed by NYSDEC- or EPA-certified laboratories in accordance with approved laboratory procedures.

K. National categorical pretreatment standards, any other effluent limitations or other requirements promulgated by the EPA, the NYSDEC or any other governmental entity having jurisdiction shall apply in any instance where they are more stringent than those set forth in this article.

L. The city may amend and supplement this article with more stringent requirements if it determines that this article:

(1) May not be sufficient to enable the city to comply with the standards and limitations specified in the POTW treatment plant SPDES permit; or

(2) May not limit the wastes received into the POTW and local sewer system sufficiently to comply with the objectives set forth in § 195-3 of this article.

M. All costs and expenses incident to the installation and connection of any building sewer shall be ~~bore~~ borne by the owner. Expenses may include inspections and permits as required by the city. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(1) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this article. Where a building is presently served by a septic tank or cesspool, the building sewer shall be connected ahead of the septic tank or cesspool so that all sewage from said building shall be conveyed to the municipal sewer.

(2) The building sewer shall be cast-iron soil pipe or PVC pipe conforming to ASTM specifications and the City of Amsterdam Plumbing Code at the time of installation.

(3) The size and slope of the building sewer shall be subject to the approval of the city, but in no event shall the inside diameter be less than four inches. The slope of such four-inch pipe shall be not less than 1/4 inch per foot.

(4) Wherever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in the direction shall be made only with properly curved pipe and fittings.

- (5) In all buildings in which any building drain is too low to permit gravity flow, the public sewer sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- (6) All excavations required for the installation of a building sewer shall be open-trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with the ASTM specifications (C12-77T), except that no backfill shall be placed until the work has been inspected by the city.
- (7) All joints and connections shall be gastight and watertight.
- (8) Other jointing materials and methods may be used by approval of the city and in accordance with the city's Plumbing Code. The connection of the building sewer into the existing public sewer shall be made on the main sewer. The method of connection of the lateral to the public sewer will be dependent upon the type of sewer material used and in all cases shall be approved by the city.
- (9) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer lateral. The connection shall be made under the supervision of the city.
- (10) When trenches are opened for the laying of house sewer lateral pipes, such trenches shall be inspected by the city before the trenches are filled, and the plumber performing such work shall notify the city when the laying of house sewer is completed. The filling of a trench before inspection is made will subject the contractor to whom a permit is issued to a penalty of \$250 for each offense and the building sewer shall be excavated for the city's inspection at the contractor's expenses.
- (11) In case of a violation of this article of the city by a plumber, his journeymen plumbers or other persons in his employ, he (the plumber) may be suspended or his recognition may be revoked by the city.
- (12) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- N. No user shall ever increase the use of process or cooling 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 National Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the city, NYSDEC or EPA.
- O. Within the city, town and village, a separate and independent building sewer shall be provided for every new 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- P. Old building sewers within the city may be used in connection with new buildings only when they are found, upon examination of the city, to meet all requirements of this article. Related costs of examination and tests shall be borne by the applicant.
- Q. No person shall make connection of roof downspouts, 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 directly or indirectly to a sanitary sewer.

R. Any person responsible for or becoming aware of the discharge to a public sewer, accidental or otherwise, of any prohibited or limited substances or of discharge in a quantity greater than approved shall report the same immediately by telephone to the city and the participant if applicable so that necessary precautions can be taken to minimize the deleterious effects of the discharge.

§ 195-6. Control of prohibited wastes.

A. Regulatory actions. If wastewaters containing any pollutants prohibited or limited in § 195-5 of this article are discharged or proposed to be discharged into the POTW or local sewer system, the city may take any action necessary:

- (1) To require a user to demonstrate that modifications to his in-plant facilities will reduce or eliminate the discharge of such substances so they shall be in conformity with this article;
- (2) To require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will be in conformity with this article; or
- (3) To take such other remedial action, including discontinuation of service, as may be deemed to be necessary to achieve the purpose of this article; and
- (4) To obtain payment to cover the costs of handling and treating the wastes.

B. Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be maintained continuously in satisfactory and effective operation by the user at his expense and shall be subject to the requirements of this article and all other applicable codes, ordinances and laws.

C. Protection from accidental discharge.

(1) Each industrial user shall provide protection for accidental discharge of prohibited materials or other regulated wastes. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense.

(2) When requested by the city, detailed plans showing facilities and operating procedures to provide protection from such accidental discharges shall be submitted with an implementation schedule to the city for review and shall be approved by the city before construction of the facility. Absence of such request or review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to provide and modify as necessary facilities to meet the requirements of this article. Existing industrial users requested to submit such a plan shall do so within 180 days after the request by the city and implementation shall be completed within the time schedule approved by the city.

D. Reporting of accidental or noncompliance discharge. In the case of an accidental or noncompliance discharge, it is the responsibility of the user to notify immediately by telephone or in person the city treatment plant of the incident. The notification shall include the specific location or the discharge, type of waste, concentration and volume and any corrective actions to be taken. In addition, a detailed written report to the city, specifying the date, time and cause of the accidental or noncomplying discharge, the quantity and characteristics of the discharge, corrective action taken to prevent future discharges and actions taken to minimize damage to the POTW or local sewer system shall be filed by the responsible user within seven days of the occurrence of the accidental or noncomplying discharge. Such notification shall not relieve the user of any

expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or local sewer system, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fine, civil penalties or other liability which may be imposed in accordance with applicable regulations and laws.

E. Employees' notices. A notice shall be permanently posted on the user's bulletin board or other prominent place advising all employees of the responsible person to call in the event of an accidental or noncompliance discharge. This person shall be responsible for initiating emergency notification procedures in accordance with Subsection D above. Employers shall ensure that all employees who could cause such an accidental or noncompliance discharge to occur are advised of the emergency notification procedure.

F. Prevention of grease, oil and sand discharge.

(1) Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease 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 city and/or the participant and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(3) Where installed, all grease, oil and sand interceptors and traps or separators shall be maintained by the owner at his expense in continuously efficient operation at all times.

G. Refuse of discharge. Nothing under this section shall be construed to reduce in any manner the power of the city to refuse the acceptance of a discharge if, in its opinion, the user is not in compliance with the provisions of any section of this article.

§ 195-7. Administration; permits and inspections.

A. Powers. The Mayor, or his designee, shall be empowered to make all determinations, issue all permits and take all actions herein required or allowed of the city, except any actions which are specifically reserved to other specified persons. The Mayor shall promulgate such additional rules, guidelines and standards as may be necessary to assure the proper administration and effectuation of this article, including the publication in the official newspaper of the City of Amsterdam of the issuance of a permit within 30 days of the issuance of said permit. [Amended 6-29-1992 by L.L. No. 4-1992]

B. Permits.

(1) Sewer connection permits.

(a) No person shall uncover, make any new connection to or opening into, alter or disturb the public sewer or appurtenance thereof without first obtaining a sewer connection permit from the city. For those persons within the city, town or village applying for a sewer connection permit from the city, a permit application fee as determined annually by the Common Council shall be paid to the city at the time the application is filed. Any person proposing a new discharge into the system or a substantial change in volume or character of pollutants that are being discharged into the system shall notify the city at least 45 days prior to the proposed charge or connection.

(b) All costs and expenses incidental to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss that may directly or indirectly be occasioned by the installation of the building sewer.

(2) Industrial wastewater discharge permit.

(a) No industrial user shall discharge, directly or indirectly, to the POTW or to the local sewer system, industrial waste without first obtaining an industrial wastewater discharge permit from the city, provided that all existing industrial users shall apply for an industrial wastewater discharge permit from the city within 180 days after the effective date of this article.

(b) All new industrial users proposing to connect to or to discharge to the POTW or local sewer system shall apply for an industrial wastewater discharge permit from the city at least 90 days prior to discharge.

(c) All industrial wastewater discharge permits issued by the city, being the lead implementing agency for the EPA, preclude any permits issued by the participants. The participants may, in addition to the city's industrial discharge permits, issue additional permits to protect the local sewerage system.

(d) The Building Inspector or construction official in the town and village shall notify the City Director of Water and Sewers, in writing, prior to the issuance of a certificate of occupancy for any industrial user discharging, directly or indirectly, to the public sewers.

(3) The applications for sewer connection permits and industrial wastewater discharge permits shall be supplemented by any plans, specifications or other information considered pertinent by the city or participant. Where pretreatment or equalization of wastewater flows is provided prior to discharge into the POTW or local sewer system, the plans, specifications, operating procedures and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the city. Approval of the application shall not exempt the user from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to pretreatment or flow-control facilities or method of operation which could affect the discharge shall not be made without due notice to and prior approval by the city.

(4) In support of the industrial wastewater discharge permit applications, the applicant shall submit:

(a) All information required by the permit application issued by the city.

(b) All information required to complete a questionnaire or other form determined to be appropriate by the city.

(c) All information necessary and appropriate to determine compliance with National Categorical Pretreatment Standards, including information necessary to determine classification under such standards.

(d) Current sampling and analysis data and design data descriptive of each of the industrial wastes to be discharged.

(e) All other information necessary to the determination of compliance with this article.

(5) Existing industrial users shall also submit a statement and supporting data regarding whether or not the requirements of this article and of the pertinent National Categorical Pretreatment Standards are being met and, if not, how they will be met by

process modification, additional operation and maintenance (O & M) or additional pretreatment.

(6) If process modification, additional pretreatment or additional O & M will be required to meet the applicable standards, the user shall submit the shortest compliance schedule by which the user will provide them. The completion date in this schedule shall not be later than the compliance date established for the applicable standards. The following conditions shall apply to the compliance schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of facilities required for the user to meet the applicable standards (e.g., starting planning and design, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in Subsection B(6)(a) above shall exceed 270 days.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city, including, as a minimum, compliance with the increment of progress to be met on such date and, if not in compliance, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return to the schedule established. In no event shall more than 270 days elapse between such progress reports to the city.

(7) Any other information as may be deemed by the city to be necessary to evaluate a permit application shall be submitted as part of the application.

C. Permit modifications. Within 180 days of the promulgation or revision of a previously promulgated National Categorical Pretreatment Standard, the industrial wastewater discharge permits of users subject to such standard will be revised by the city to require compliance with such standard within the time frame prescribed. The user shall submit to the city the information required to complete the revision within 60 days of the request for such information. However, it shall be the responsibility of each user to comply with all requirements of such standard and to advise the city of changes and proposed changes in its discharge resulting from the issuance of such standard whether or not the city requests such information or otherwise notifies the user.

D. Industrial wastewater discharge permit conditions.

(1) Industrial wastewater discharge permits shall be subject to all provisions of this article and all other applicable regulations established by the city. Permits may contain the following:

(a) Limits on the average and peak wastewater constituents and characteristics, including mass limitations where appropriate.

(b) Limits on average and peak flow rates and times of discharge and/or requirements for flow regulation and equalization.

(c) Requirements for installation, maintenance and operation of inspection, metering and sampling facilities.

(d) Specifications for user self-monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting contents and schedules.

(e) Compliance schedules.

(f) Requirements for submission of technical reports and/or discharge reports.

- (g) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city, the NYSDEC or EPA and affording access thereto.
- (h) Requirements for notifying the city of any new introduction of wastewater constituents or of any change in the volume or character of the wastewater constituents being introduced into the POTW or local sewer system.
- (i) Fees as designated by the city's industrial wastewater discharge permit fee schedule. EN
- (j) ~~Other conditions as defined appropriate by the city to ensure compliance with this article.~~ Where the City determines that a slug control plan is necessary, the requirement to implement a slug control pan.

(k) Other conditions as defined appropriate by the city to ensure compliance with this article.

(2) For all industrial wastewater discharge permit applications for new discharges or for increases in existing discharges, the approval for discharge of pollutants shall be limited to that maximum daily amount which will utilize no more than 20% of the remaining capacity for that pollutant at the receiving POTW treatment plant. The remaining capacity shall be the difference between the existing lower influent pollutant concentration and the influent limitation. The permit approval may provide for more than the aforesated 20% when the industrial user demonstrates to the satisfaction of the city that such additional discharge is appropriate based upon technological considerations, economics, industry practice and such other matters as the city deems pertinent. In no case shall approval be granted which would cause the influent concentration to exceed the influent limitation.

E. Permit duration.

- (1) Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed five years. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just cause exists.
- (2) The industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.
- (3) The user shall be informed of any proposed changes in his permit at least 90 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit transfer. Industrial wastewater discharge permits will be issued for a specific operation. A permit shall not be reassigned or transferred, sold to a new owner, new user, different premises or a new or changed operation without prior written approval of the city. If, upon application, the city decides that the existing permit can be transferred with no modifications, the succeeding owner or user shall comply with the terms and conditions of the existing permit for the balance of the permit's duration.

G. Industrial wastewater discharge permit fees. The city may establish and amend industrial wastewater discharge permit fee schedules. All applications for industrial wastewater discharge permits are to include the appropriate application fee as designated in the schedule for application fees. Each permittee possessing an industrial wastewater discharge permit shall pay the annual fee prior to the issuance of the permit and then annually prior to the anniversary date of the permit issuance, until said permit expires. Failure to submit the annual fee within 30 days after the anniversary date shall be

considered a violation of this article and shall be sufficient cause for revocation of the industrial wastewater discharge permit without hearing and for imposition of other procedures and penalties for noncompliance consistent with this article.

H. Periodic compliance reports.

(1) To assure continued compliance with this article, periodic compliance reports shall be submitted to the city. Any user subject to a pretreatment standard or National Categorical Pretreatment Standard, after the compliance date of such standard or, in the case of a new source, after commencement of the discharge, shall submit to the city on a semiannual basis, unless required more frequently in the applicable standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such standards. In addition, this report shall include a record of all flows, pollutant concentrations and mass which, during the reporting period, exceeded the flows and concentration, mass or other conditions permitted. At the discretion of the city and in consideration of such factors as seasonal operations, holidays, budget cycles, etc., the city may elect or agree to alter the months during which the above reports are to be submitted by each user.

(2) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined at the designated, approved sampling sites from suitable samples taken at said site. Determination of wastewater quantity and quality will be made on the basis of either instantaneous grab samples or composite samples of wastewater as specified by the city in the industrial wastewater discharge permit. Composite samples may be taken over a twenty-four-hour period or over a longer or shorter time span, as determined necessary by the city, to meet the needs of specific circumstances.

I. Monitoring facilities.

(1) The industrial user shall provide, maintain and operate, at the user's own expense, monitoring facilities and sampling devices to allow inspection, sampling and flow measurement of the sewer connection. The monitoring facility should normally be situated on the owner's premises but when such a location would be impractical or create undue hardship on the user, the city may allow a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to be constructed in the public street or sidewalk area, in strict accordance with all local requirements and subject to receipt of local approvals. This shall be located where it will not be obstructed by landscaping or parked vehicles and shall be safe and accessible at all times to the city.

(2) If continuous access to the facilities is not available to the city, a control manhole in which there is such access shall be provided by the industry in addition to the monitoring station.

(3) The monitoring facilities shall be suitable for inspection, observation, sampling, testing and measurement of plant discharges. There shall be adequate space and equipment for continuous flow rate measurement and recording and for taking flow-proportioned composite samples, with refrigeration of samples.

(4) The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by the user.

(5) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Plans and specifications for such facilities

shall be submitted to the city at least 30 days before construction and shall not be constructed without prior city approval.

J. Inspection and sampling.

(1) Representatives of the city, participants, NYSDEC and the EPA may inspect the facilities of any user to ascertain whether all requirements of this article are being complied with. Persons or occupants of premises where wastewater is created and/or discharged shall allow the representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. All inspections shall be conducted in accordance with this article. The city, participants, NYSDEC and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, the participant, the NYSDEC and the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities, and the user shall advise the city of the arrangements and procedures.

(2) While performing the necessary work on private properties, representatives of the city shall observe all safety rules established by the company applicable to the premises, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § ~~195-7(I)~~ 195-7(I) of this article.

(3) All routine sampling and inspections shall be conducted during the time of wastewater flow; provided, however, that sampling and inspections may be conducted at other times if the city or a participant has reasonable cause to believe that an immediate danger to life, limb or property exists or during a time when a violation is occurring or there is reason to believe a violation is occurring or if permission is given by an owner or his agent.

K. Confidential information.

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or governmental agencies without restriction, unless the user specifically requests confidentiality on the bases that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. However, information on wastewater volume, constituents and character will not be recognized as confidential information.

(2) When so requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. When information accepted by city as confidential is requested by the EPA, NYSDEC or other governmental agencies for uses related to this article, SPDES permits, federal pretreatment programs, etc., the city shall refer these requests to the user who furnished the information in question.

L. Information availability. Nonconfidential information will be made available for inspection by the public at the city's office during normal business hours. Requests for such review are to be made in writing and appointments will be required. There will be a charge for copies at the rate determined by the city.

§ 195-8. Enforcement procedures.

A. Notification of violation. Upon the city or a participant finding that a person has violated, is violating or may violate this article or any limitation or requirement contained herein:

(1) Such person will receive a written notice from the Director of Water and Sewers stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof. If, with good cause, the user cannot achieve compliance within 30 days, then the user shall submit a response as to why it cannot so comply and, if necessary, shall submit, within said 30 days, an application for issuance or revision of an industrial wastewater discharge permit, as required under § 195-7B of this article; or

(2) The city may suspend sewer service (without such notification) when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment or causes or may cause interference or pass-through.

B. Show-cause hearing.

(1) If the violation is not corrected by timely compliance, the city will issue a notice of violation and order any person who causes or allows a noncomplying discharge to show cause before the Grievance Committee why service should not be terminated. The notice will be served on the offending party, specifying the time and place of a hearing to be held by the Grievance Committee regarding the violation and directing the offending party to show cause before the Grievance Committee why an order should not be made directing the termination of service. The notice of the hearing will be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Services may be made on any registered agent of a corporation.

(2) At any order to show case hearing, testimony taken before the Grievance Committee will be recorded ~~stenographically~~. The transcript or any part thereof so recorded will be made available to any member of the public upon payment of the cost of preparing the same. The Grievance Committee may, pursuant to law, order certain portions of the hearing held in private session. The transcript on any hearing held in private session will not be made available to members of the public except as provided by law.

C. Discontinuation of sewer service.

(1) After the Grievance Committee has reviewed the evidence collected in a hearing as described in Subsection B above, the Grievance Committee may issue an order to the person responsible for the violation directing that, following a specified time period, the sewer service be disconnected unless the responsible person initiates actions which are deemed by the Grievance Committee to be sufficient and appropriate to correct the violation.

(2) Any person notified of a suspension of sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply with the suspension order or when necessary as described in Subsection A(2) above, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection. The city shall reinstate service only upon proof of the elimination of the noncomplying discharge.

D. Penalties for offenses.

(1) Any person who shall continue any violation beyond the above time limit or who knowingly makes any false statements, 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 article shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 nor more than \$1,000 or by imprisonment for not more than six months, or both.

(2) Each day in which any such violation shall continue shall be deemed a separate offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules and regulations issued hereunder.

(3) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned by reason of such violation.

E. ~~Public notification of permit violations. The city shall annually publish in the newspaper a list of the users which were significant violators [as defined by 40 CFR 403.8(f)(2)(vii)] of any pretreatment standards or National Categorical Pretreatment Standards during the 12 previous months. The notification shall also summarize any actions taken against the user(s) during the same 12 months. All records relating to compliance with applicable standards shall be made available to officials of the EPA or NYSDEC upon request.~~ Public notification of permit violations. The City shall annually publish in the newspaper a list of the users which were significant violators [as defined in Section 195-2(A)] of any pretreatment standards or National Categorical Pretreatment Standards during the 12 previous months. The notification shall also summarize any actions taken against the user(s) during the same 12 months. All records relating to compliance with applicable standards shall be made available to officials of the EPA or NYSDEC upon request.

F. Protection from damage. Any person found to have maliciously, willfully or negligently broken, damaged, destroyed, uncovered, defaced or tampered with any structure, appurtenance or equipment which is part of the POTW or local sewer system shall be subject to immediate lawful arrest.

§ 195-9. Charges and fees.

A. ~~Annual c~~Charges. All users shall pay ~~annual~~ charges to the city in accordance with the provisions of the city's sewer user charge system.

B. Fees. All users, all applicants and all industrial users and applicants shall be required to pay any fees for sewer connection permits and industrial wastewater discharge permits or other charges that the city may establish for processing of applications, monitoring and inspections of facilities and operations, hearings and other

procedures and such other matters as the city may deem necessary or appropriate for the administration of this article and the operation of the city facilities.

§ 195-10. Adoption of standards by participants.

Each participant shall adopt and enforce a sewer use ordinance or sewer use regulations which shall include provisions no less stringent than those contained in this article and shall include provisions to effectuate the provisions and procedures in this article.

ARTICLE II, Sewer Rents [Adopted 5-1-1973 by L.L. No. 2-1973]

§ 195-11. Authorization for establishment of sewer rents.

Pursuant to the provisions of Article 14-F of the General Municipal Law of the State of New York, entitled "Sewer Rent Law" (Chapter 765 of the Laws of 1951), and any and all amendments thereto, there is hereby established and imposed sewer rents as a means of producing revenue for the sewer system and sewage treatment plant of the City of Amsterdam.

§ 195-12. Definitions. [Amended 6-29-1992 by L.L. No. 4-1992]

As used in this article, the following terms shall have the meanings indicated:

COMMERCIAL -- Any building or structure used to manage, conduct or carry on any business for profit or not for profit, and ~~is intended to~~ shall include buildings or structures used for commercial, retail, or industrial purposes, to the extent that the operation utilizes less than 5,000 gallons of water per day, or professional purposes (including but not limited to doctors, lawyers, dentists, accountants, insurance, real estate and general office buildings of all kinds) and shall include warehousing facilities. Any commercial building as defined herein with multiple leases will be charged a minimum of one unit or sewer charge per leasehold.

EMPLOYEE -- The total number of hours worked (full-time plus part-time) divided by 40 hours shall represent the number of employees.

GPD -- Gallons per day.

INTERLOCAL AGREEMENTS -- Agreements entered into pursuant to the provisions of Article 14-G of the General Municipal Law.

LEGISLATIVE BODY -- The Common Council of the City of Amsterdam, New York.

ONE UNIT -- The base charge for sewer rent hereunder.

SEWAGE -- The water-carried wastes from residences, commercial buildings, industrial establishments, institutions or other places, together with such groundwater, surface water and stormwaters as may be present.

SEWER RENTS -- A scale of charges established and imposed in the City of Amsterdam for service available by the sewer system or any part or parts thereof.

SEWER SYSTEM -- All sewer pipes and other appurtenances which are used in whole or in part in connection with the collection, pumping, treatment or disposal of sewage.

§ 195-13. Rents established; charge on real property.

Pursuant to Article 14-F of the General Municipal Law, the City of Amsterdam hereby establishes sewer rents for use of the sewer system and imposes such sewer rents as a charge on the real property within the City of Amsterdam using such sewer system.

§ 195-14. Sewer charge structure. [Amended 6-29-1992 by L.L. No. 4-1992; 5-7-1996 by L.L. No. L.L. No. 2-1996]

A. The sewer user charge structure for services to real property owners of the City of Amsterdam and any other participants(subject to rate multipliers contained in the applicable intermunicipal agreements) shall be as follows. The cost per unit and the cost per 100 cubic feet of sewage together with any applicable surcharge shall be calculated on a yearly basis by the Ceommon Ceouncil and Director of Water and Sewers based on the following equations; and the Amsterdam User Charge Study, November 1982.

$$Cu = Ct \frac{Vu}{Vt}$$

Where:

- Cu = Users charge of operation and maintenance per year.
- Ct = Total operation and maintenance costs per year.
- Vu = Volume contribution from user in gallons per year.
- Vt = Total volume contribution from all users in gallons per year.

- | Classification | Number of Units |
|-----------------------------------|---|
| Single family house | 1 per house |
| Apartments | 1 per dwelling unit |
| Schools | 1 per 20 pupils plus 1 per 20 employees |
| Hospitals | Per agreements with the city |
| Motels, hotels and boardinghouses | 1 per dwelling unit |
| Commercial | 1 per every 10 employees (except in the case of multiple leaseholds, owner will be charged a minimum of one sewer charge or unit per leasehold) |

Industrial and coin-operated laundries, car washes and restaurants required to have water meter Base charges and surcharges as presented below

Industrial base charges will be calculated on a yearly basis by the Common Council and Director of Water and Sewers based on annual flow and volumetric charge rate as presented in the Amsterdam User Charge Study, November 18, 1982.

Industrial surcharges will be calculated on a yearly basis by the Common Council and Director of Water and Sewers based on the following equation and the Amsterdam User Charge Study, November 18, 1982.

$$Cs = [Bc (B) + SC (S)] Vu$$

Where:

- Cs = Surcharge for wastewaters of excessive strength in dollars per year.
- Vu = Volume contribution from user in gallons per year.
- Bc = Operation and maintenance cost for treatment of BOD in dollars per pound.
- B = Concentration of BOD in pounds per gallon from a user above a base level.

Sc = Operation and maintenance cost for treatment of suspended solids in dollars per pound.

S = Concentration of suspended solids in pounds per gallon from a user above a base level.

Any vacant nonresidential unit will be charged 1/2 of the calculated sewer charge.

- (1) Rates per unit and rates per volume shall be calculated based on estimates as follows:
 $Cu = (B - Rcm - Rmisc - Rtam - Rtfm - Rvfjm - Rvhm - Sest) / (Uc + Uta + Utf + Uvfj + Uvh + Uinflow)$
 $Cf = Cu / 70.53$

Where:

B = Budgeted amount for operation, maintenance, debt service, capital improvements, reserves and any other expense related to the wastewater treatment plant and the sewage and storm water collection systems.

Cf = charge per 100 cubic feet of wastewater (based on the average annual water use in a single family home estimated to be 7053 cubic feet)

Cu = charge per unit.

Rcm = Revenue from City of Amsterdam metered uses.

Rmisc = Revenue from miscellaneous sources such as septage and leachate.

Rtam = Revenue from Town of Amsterdam metered uses.

Rtfm = Revenue from Town of Florida metered uses.

Rvhm = Revenue from Village of Hagaman metered uses.

Rvfjm = Revenue from Village of Fort Johnson metered users.

Sest = Estimated industrial surcharges

U = number of units or equivalent units in each serviced municipality or district and inflow units.

- (2) Charges for each class of user shall be calculated as follows:
- a. Single-family house 1 unit charge per house.
 - b. Apartments, 1 unit charge per dwelling unit.
 - c. Schools: Based on the volume of water used, if metered, but not less than one unit charge; or if not metered then 1 unit charge per 20 pupils plus 1 unit charge per 20 employees.
 - d. Hospitals: Based on the volume of water used, if metered, but not less than one unit charge.
 - e. Motels, hotels and boardinghouses: Based on the volume of water used, if metered, but not less than one unit charge; or if not metered then 1 unit charge per dwelling unit.
 - f. Commercial: Based on the volume of water used, if metered, but not less than one unit charge per leasehold; or if not metered then 1 per every 10 employees (except in the case of multiple leaseholds, owner will be charged a minimum of one sewer charge or unit per leasehold).
 - g. Mixed Residential and Commercial: Based on the volume of water used, if metered, but not less than one unit charge per dwelling or leasehold; or if not metered then 1 per every 10 employees (except in the case of multiple

commercial leaseholds, owner will be charged a minimum of one sewer charge or unit per leasehold) plus one unit charge per dwelling unit.

- h. Industrial users, coin-operated laundries, car washes, restaurants and any other class of property based user not included above: Based on the volume of water used, if metered, but not less than one unit charge per leasehold; or if not metered then based on an estimate of annual sewage discharged plus any surcharges as presented below.
 - i. Sewer meters: Any industrial sewer user that may employ a process where the measure of water consumed is not an accurate estimate of the amount of sewage discharged, upon design approval of the city, shall install a sewer meter at the user's expense or additional water meters to monitor water usage that is not directed to the sewer system. These meters shall then be used to measure sewage flow and calculate the periodic charges.
 - j. Leachate: Based on the volume of leachate discharged into the system.
 - k. Septage: Based on the volume of septage discharged into the system.
 - l. Any other discharge of wastewater: Charge based on negotiated contract.
- (3) Industrial rate structure. In order to create an incentive for industrial development the rate charged to industrial users may be on a declining scale based on quarterly use. This rate structure shall be established on an annual basis by the Common Council.
- (4) Industrial surcharges for wastewaters of excessive strength will be calculated on a yearly basis by the Common Council based on the following equation:

$$Cs = [Bc (B) + SC (S)] Vu$$

Where:

Cs = Surcharge for wastewaters of excessive strength in dollars per year.

Vu = Volume contribution from user in gallons per year.

Bc = Operation and maintenance cost for treatment of BOD in dollars per pound.

B = Concentration of BOD in pounds per gallon from a user above a base level.

Sc = Operation and maintenance cost for treatment of suspended solids in dollars per pound.

S = Concentration of suspended solids in pounds per gallon from a user above a base level.

- (5) Surcharges for inflows:
- a. Applicability: Any user that has a connection to the sanitary sewer system of any inflow as defined in section 195-2.
 - b. The surcharge shall be calculated by estimating the annual volume of the inflow and dividing this estimated volume by 7053 cubic feet per unit. The resulting quotient shall be the number of additional charge units (this may include whole or fractional charges) applied to the user's billing. This is not a minimum charge, it is a charge applied in addition to any other sewer use charge.
 - c. No surcharge will be added for any total inflow per user that is expected to be less than one tenth of a unit.
 - d. Calculation of inflow for roof drains shall use 3 feet of annual precipitation for the estimate. The square footage of the building floor covered by the drained

roof surface shall be multiplied by three feet then divided by 7053 cubic feet per unit to calculate the number of surcharge units.

- e. Payment of this surcharge does not relieve or toll any requirement to abate the inflow contained in this chapter.

B. Any real property not falling within any classification set forth above shall be placed in the category most applicable under the above classification; in the event that any parcel of real property in its entirety falls within more than one of the above classification, that classification which produces the greatest number of units shall be the one applicable. In the event that any parcel of real property is divisible into two or more classifications, the number of units in each classification shall be determined and the total thereof shall constitute the number of units applicable to the entire parcel.

§ 195-15. Structure not to be limiting.

The city shall not be limited to the above sewer charge structure in the event that it shall enter into interlocal agreements pursuant to the provision of Article 14-G of the General Municipal Law or with other uses of such sewer facilities.

§ 195-16. Rate established by resolution.

~~The rate per unit~~ rate per unit and the rate per 100 cubic feet of sewage together with any applicable surcharge shall be established annually by resolution of the legislative body, the same to be based on this chapter and any practices established by the State of New York for such purposes. In the event of failure of the legislative body to adopt such a resolution, the rate theretofore established shall carry over to the following year. At no time shall the legislative body establish a rate inadequate to provide for the budgetary requirements of the sewer system.

§ 195-17. Revenues credited to sewer rent fund.

Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used only in the manner and for the purpose specified and required by the Sewer Rent Law of the State of New York.

§ 195-18. Rents to become liens.

Sewer rents shall be liens against the real property serviced by the sewer system within the City of Amsterdam in the manner and to the extent set forth in § 452 of the General Municipal Law.

§ 195-19. Rents in arrears.

Penalties for sewer rents in arrears shall be the same as presently assessed for arrears of water rents.

§ 195-20. Payment of rents.

~~Commencing in 1974,~~ Sewer rents, based on unit charges, shall be included as part of the city tax bill and may be paid in quarterly installments. Sewer rents based on metered water usage or sewer meter usage shall be billed separately from the city tax bill. Billing of participant users shall be in accordance with the applicable intermunicipal agreement.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 5. MANDATORY REFERENDUM AND SPECIAL ELECTION

This Local Law is not subject to a mandatory or permissive referendum based on Sections 23 and 24 of the Municipal Home Rule Law of the State of New York.

SECTION 6. EFFECTIVE DATE

This local law shall be effective July 1, 2013.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2013