RECEIVED
OCT 18

TOWN OF CLAYTON
REED POINT SEWER DISTRICT
SEWER USE ORDINANCE
May 2003

TOWN OF CLAYTON

REED POINT SEWER DISTRICT

AN ORDINANCE OF THE TOWN OF CLAYTON, JEFFERSON COUNTY, NEW YORK, ESTABLISHING RULES, REGULATIONS AND REQUIREMENTS IN RELATION TO THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF SEWAGE, INDUSTRIAL WASTE OR OTHER WASTES INTO THE SEWERAGE SYSTEM OF THE TOWN OF CLAYTON, REED POINT SEWER DISTRICT AND ALL PUBLIC AND PRIVATE SEWERS TRIBUTARY THERETO, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF CLAYTON, JEFFERSON COUNTY, STATE OF NEW YORK, AS FOLLOWS:

SEWER USE ORDINANCE

ARTICLE	I	SHORT TITLES AND STATEMENT OF PURPOSE
ARTICLE	II	DEFINITIONS
ARTICLE	III	ADMINISTRATOR, DUTIES/POWERS, PERMITS
ARTICLE	IV	USE OF PUBLIC SEWERS REQUIRED
ARTICLE	V	BUILDING SEWERS AND CONNECTIONS
ARTICLE	VI	USE OF PUBLIC SEWERS
ARTICLE	VII	DISPOSITION OF SCAVENGER WASTES
ARTICLE	VIII	SIGNIFICANT INDUSTRIAL USERS
ARTICLE	IX	OUTSIDE USERS
ARTICLE	X	PROTECTION FROM DAMAGE
ARTICLE	XI	USER CHARGE SYSTEM
ARTICLE	XII	TRUCKED OR HAULED WASTE
ARTICLE	XIII	ENFORCEMENT AND PENALTIES
ARTICLE	XIV	MISCELLANEOUS
ARTICLE	XV	APPLICATION AND SEVERABILITY
ARTICLE	XVI	EFFECTIVE DATE

ARTICLE I
SHORT TITLE AND STATEMENT OF PURPOSE

Section 1.1 - Short Title

This Ordinance shall be known as Town of Clayton Sewer Use Ordinance Governing Sewer Use in the Reed Point Sewer District.

Section 1.2 - Purpose

The purposes of the rules, regulations and requirements of this Ordinance are specifically stated, as follows:

1. to prohibit excessive volumes into the Reed Point sewer system, and all public and private sewers and lines tributary thereto;

2. to prohibit the contribution of sewage, industrial wastes or other wastes of flammable nature, or which create in any way poisonous or hazardous environment for sewage maintenance and operation personnel;

3. to prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the lateral sewers, interceptor sewers, trunk sewers, force mains, pumping stations, sewage regulators, and other structures and appurtenances of the District sewer system, and public and private sewers tributary thereto;

4. to prohibit the contribution of sewage, industrial wastes or other wastes in violation of any agreement between the District and the Towns of Clayton and/or Orleans and/or Alexandria;

5. to require the treatment, before introduction into the District Sewer System, and public and private sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structure appurtenant to the system, by direct or indirect chemical action or interfere with the chemical treatment process;

6. to regulate all connections, and discharges to and uses of, the District sewage system for the purpose of providing maximum efficiency in the maintenance and operation of the system, and adhere to all applicable Federal, State and local requirements;

7. to require the connection to and the use of the sanitary sewer system.

8. to protect the public health and prevent nuisances.

ARTICLE II
DEFINITIONS

Section 2.1 - Definitions

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

1. "Administrator" shall mean the Town Supervisor or his duly authorized deputy, agent or representative.

2. "B.O.D" (denoting Biochemical oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit) expressed in parts per million (p.p.m.) or milligrams per liter (mg/l conditioning, cooling, refrigeration, or other sources;

3. "Building drain" shall mean that part of the lowest horizontal piping of a building sanitary

drainage system which receives the discharge pipes from soil, waste, and other sanitary drainage pipes inside the walls of any building, and conveys such discharge to the building sewers, beginning four (4) feet outside the outer face of the building wall;

4. "Building sewer" shall mean that part of the horizontal piping of a sanitary drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer or other point of disposal.

5. "Chlorine demand" shall mean the difference between the amount of chlorine added to water, sewage, or industrial wastes, and the amount of residual chlorine remaining at the end of a twenty minute contact period at 68 degrees F. temperature;

6. "Combined sewer" shall mean a sewer designed to receive and transport both surface runoff and sewage;

7. "Cooling water" shall mean the water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources;

8. "Department of Health" shall mean the New York State Department of Health;

9. "District" shall mean the Reed Point Sewer District within the Town of Clayton, Jefferson County, New York.

10. "District Sewer System" shall mean the interceptor sewers, trunk sewers, force mains, pumping stations, sewage regulators, and other appurtenant structures owned in part, or total, by the Town of Clayton in the Reed Point Sewer District,

11. "Garbage" shall mean solid wastes from the domestic or commercial preparation, cooking and dispensing of food, or from handling, storage and sale of produce;

12. "Industrial user" shall mean any individual firm, company, association, society, corporation, or group which develops industrial wastes as defined herein;

13. "Industrial wastes" shall mean the fluid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage;

14. "Infiltration" shall mean Water, other than wastewater, that enters a sewer system (excluding sewer service connections and foundation 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.

15. "Inflow" shall mean Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewer and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

16. " Interference" shall mean a discharge which, alone or in conjunction with discharges by other sources, inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its sludge processes, use of disposal and which is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude of duration of violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance 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 or the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

17. "NYSDEC" shall mean the New York State Department of Environmental Conservation or duly authorized official of said Department

18. "Other wastes" shall mean garbage (shredded or unshredded) refuse, woods, coffee grounds, sawdust, shavings, eggshells, bark, sand lime, cinder, ashes, and all other discarded matter not normally present in sewage or industrial wastes;

19. "Permittee" shall mean any person who obtains a permit for sewer connection;

20. "Person" shall mean any individual, firm, company, partnership and limited liability company, association, society, corporation or group;

21. "pH" shall mean the intensity of the acid or alkaline reaction of a solution in terms of hydrogen concentration (but is not a measure of the total concentration of acid or alkali present). The pH is expressed as the common logarithm of the reciprocal of the hydrogen concentration in moles per liter:

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

22. "Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hair, wrecked or discharged equipment, rack, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

23. "Private sewage disposal system" shall mean any privy, septic tank, cesspool, or other sewage disposal facility owned and operated by a person other than a municipal sewage system;

24. "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half (½) inch in any dimension;

25. "Public sewer" shall mean a sewer controlled by public authority;

26. "Receiving waters" shall mean a natural water course or any other body of surface or groundwater into which treated or untreated sewage is discharged;

27. "Sanitary sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted;

28. "Scavenger wastes" shall mean the conditioned human waste matter collected from privies, septic tanks, cesspools, and chemical toilets;

29. "Septic Tank" A private domestic sewage treatment system consisting of an underground tank (with suitable baffling) constructed in accordance with any and/or all local and State requirements.

30. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwater as may be inadvertently present. The admixture also shall be considered "sewage" within the meaning of this definition;

31. "Sewage charge" shall mean the demand payment for the use of public sewer and/or sewage

treatment plant for handling any sewage, industrial wastes or other wastes accepted for admission thereto, in which the quantity or characteristics thereof exceed the maximum values as defined herein;

32. "Sewage system" shall mean all facilities for collecting, regulating, pumping, and transporting sewage from the District to the Town of Orleans Fishers Landing sewage system for transmission to the sewage treatment plant.

33. "Sewer" shall mean a pipe or conduit for carrying sewage;

34. "Shall" is mandatory; "may" is permissive.

35. "Significant Industrial User" shall mean an industry meeting one (1) or more of the following criteria:

(a) A user subject to categorical pretreatment standards; or

(b) A user which is designated as such by the Administrator on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

36. "Slug" shall mean any discharge of water, sewage, or industrial waste 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 flow during normal operation;

37. "SPDES" shall mean State Pollutant Discharge Elimination System.

38. "State" shall mean State of New York.

39. "Storm sewer" (storm drainage) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and other unpolluted waters;

40. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering;

41. "The Act" shall mean The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

42. "Town" shall mean the Town of Clayton;

43. "Toxic Substances" shall mean any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to sewer maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, of the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

44. "USEPA" shall mean United States Environmental Protection Agency or duly authorized official of said Agency.

Section 2.2 - Undefined Terms

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

ARCTICLE III

ADMINISTRATOR, DUTIES/POWERS, PERMITS

Section 3.1 - Duties

It shall be the duty of the Administrator of the Town of Clayton, Reed Point Sewer District to enforce the provisions of this Ordinance and to formulate and issue such rules, regulations and specifications as may be necessary for the administration, development, or construction of sewers within the District as required to implement this Ordinance.

Section 3.2 - Powers

Subject to the provisions of the State and Federal Constitutions and other applicable laws, the Administrator, or his authorized representatives, such as the Administrator's deputy, inspector, or after reasonable notice to the Administrator, authorized employees of the New York State Department of Environmental Conservation, New York State Department of Health and the United States Environmental Protection Agency (USEPA), bearing proper credentials and identifications, shall be permitted at all reasonable times to enter all nonresidential properties for the purposes of designing, installing, constructing, rehabilitating, replacing, operating, maintaining, inspecting, observing, measuring, sampling and testing building drains, building sewers, public sewers, on-site sewage and grinder pump sewage disposal systems or appurtenance thereto.

If the Administrator determines that an emergency exists, he or other duly authorized personnel of the Town bearing proper credentials and identifications shall be permitted to enter upon private properties for the purpose of inspection, observation, measurement, sampling and testing and to abate the emergency without previous notice. The Administrator, or his representative, shall have no authority to inquire into any processes used in any industrial operation beyond that point having a direct bearing on the kind, source, and quantity of discharge to a public sewer receiving water, or the on-site facilities for water treatment.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section shall be punishable by such penalties as may be prescribed under Article XII of this Ordinance.

Section 3.3 - Permits

It shall be unlawful for any person to discharge directly or indirectly into public sewers after completion of the sewer system except after the issuance of a permit therefor.

Before the commencement of construction of any building drain, building sewer or grinder pump sewage disposal system, within the District, an owner shall first obtain a written permit approved by the Administrator. The application for such permit shall be made on a form furnished by the Town and shall be supplemented by plans, specifications and such additional information as is deemed necessary by the Administrator to clearly describe the work. A permit and inspection fee of $250.00 shall be paid to the District at the time the application is filed.

All applications for permit for sewage disposal systems shall further include an easement form, furnished by the Town and approved by the Town's Attorneys, which shall be completed and signed by the Owner. Said easement shall grant to the Town of Clayton the right for District personnel to gain access (at all reasonable times) to the proposed sewage disposal system for such purposes as are enumerated in Article III, Section 3.2.

Any revisions or construction variations to the approved application and supplements thereto without the prior written approval of the Administrator is prohibited and is subject to such penalties and fines as is provided in Article XII.

A permit issued in accordance with this Section shall be kept on the premises, available for exhibition at all times during the construction of the work and the failure to keep such permit so available shall be presumptive evidence that the work is being conducted without a permit in violation of this Ordinance.

Section 3.4 - Annual Report

Once each year, or at greater intervals at the discretion of the Town Board, the Administrator shall prepare a report containing a description of those activities and corresponding expenses incurred during the prior period. The Administrator shall also include such additional information concerning expenses as is necessary for the Town Board to fairly apportion costs of debt service, operation and maintenance and reserve fund to property owners discharging sewage within the boundaries of the District.

ARTICLE IV

USE OF PUBLIC SEWER REQUIRED

Section 4.1 - Sewage Discharge

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

Section 4.2 - Use Required

Any improved property within the District used for human occupancy, employment, recreation, commerce, industry, or other public or private purpose which abuts on any street or right-of-way in which, or adjacent to which, there is located a public sanitary sewer, is hereby required to connect the sanitary sewage discharge system from his property directly to or with the public sewer.

Section 4.3 - Limitation of Time

New buildings constructed within the District after the completion of the sewage system having use(s) specified at Section 4.2 shall be connected with the sewage system before the use or occupancy thereof.

Section 4.4 - Unauthorized Use

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

ARTICLE V

BUILDING SEWERS AND CONNECTION

Section 5.1 - Connection Permit Required

No person shall uncover, make any connections with, or opening into, use, alter, disturb, or discharge into any public sewer or appurtenance thereof after completion of the sewage system without first obtaining a written permit from the Administrator as addressed at Section 3.3.

Section 5.2 - Permit Classes

There shall be two (2) classes of building sewer permits: (1) for residential and commercial services; and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Administrator. The permit application shall be accompanied by plans, profiles, specifications or other information considered pertinent by the Administrator. All permit

applications for service to establishments producing industrial wastes shall be subject to approval of the committee formed and existing under the 2001 Intermunicipal Agreement between the Town of Alexandria, Clayton and Orleans after a public hearing. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit in the amount prescribed in a fee schedule adopted by the Town board shall be paid at the time the application is filed.

Section 5.3 - Connection Costs

All costs and expenses in installing and connecting a public sewage system or building sewer to the Sewerage System shall be borne by the District during construction. New buildings constructed after completion of the sewage system shall bear all costs and expenses in installing and connecting to the system. The owner shall indemnify the District for any cost, loss, or damage that might be occasioned by the installation and connection of such public sewage system or building sewer.

Section 5.4 - Separate Building Sewer Required

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

Section 5.5 - Existing Building Sewers

Existing building sewers may be used in conjunction with new buildings only when they are found, upon inspection and testing by the Administrator, to meet all requirements of this Ordinance, and any other specifications adopted by the Town Board. All costs of inspections and testing will be borne by the owner.

Section 5.6 - Construction Requirements

The size, slope, alignment, materials or construction of a building sewer, appurtenances, and the methods to be used in excavating, placing of the building sewer pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the specifications for the installation of building sewers as adopted by the Town Board and all applicable provisions of any other rules and regulations of the Town of Clayton or the State of New York, whichever requirement is more strict. In the absence of any requirements, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (A.S.T.M), and Water Pollution Control Federation (W.P.C.F.), Manual of Practice No. 9, shall apply. All connections of building sewers to a public sewage system shall be gas-tight and water-tight. Any deviations from the prescribed materials and construction procedures must be approved by the Administrator in writing prior to installation.

Street Lateral to Public Sewer Connection.

At the point of connection of a street lateral to a main sewer, a standard "wye" fitting and sufficient one-eighth (45 degree) bend fittings shall be used. The "wye" fittings shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.

Future Connection Locations; As-Built Drawings

The street lateral, including the "wye" and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer, for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted with a standard plug approved for use by the Administrator. All

sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2 inch by 6 inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of two (2) feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three (3) tie lines indicated. Four (4) copies of this drawing, showing the as-built location of these connections, shall be furnished to the Administrator. A refundable deposit shall be placed with the District to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be $100 per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the District until four (4) copies of this record drawing have been so filed with the Administrator and the Administrator has approved the submitted drawings in writing.

Laterals at and Near Buildings

Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor. In no event shall any building lateral be placed below the basement floor, except with the expressed written approval of the Superintendent.

The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 5.7 - Service Requirements

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

Section 5.8 - Prohibited Connection

No person shall make a 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 to a public sewer.

Section 5.9 - Inspection and Approval

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

Section 5.10 - Protection and Safety

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

Section 5.11 - Maintenance and Repair

Building sewers shall be maintained, serviced, and repaired by the owner of the property served from the building drain to the point of intersection of the building sewer and the public sewer. In the event that a property is unable to discharge sewage into the public sewer, it will be presumed that the fault is in the private building sewer unless contrary facts are in evidence. Evidence of willful damage to a building sewer being served by a public sewer shall be considered a violation of the Ordinance.

Section 5.12 Disconnection

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

ARTICLE VI

USE OF PUBLIC SEWERS

Section 6.1 - Drainage Discharges

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

Section 6.2 - Prohibited Discharges

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

1. gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas;

2. waters, or wastes, containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, which injures or interferes with any sewage process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides. Without limiting the generality of the foregoing, no person shall discharge, or cause to be discharged, waters, or wastes, to any public sewer which contain substances having concentration limits in excess of those set forth below:

Limits of Toxic Substances in Sewage

Substance	Concentration	
Iron	1.4	mg/l
Chromium (hexavalent)	0.10	mg/l
Copper	0.5	mg/l
Chlorine Requirements	15.0	mg/I
Phenol	0.8	mg/l
Cyanide	0.3	mg/l
Cadmium	0.02	mg/l
Zinc	0.5	mg/l
Nickel	1.0	mg/l
Arsenic	0.1	mg/l
Berium	2.0	mg/l
Lead	0.05	mg/l
Sellenium	0.02	mg/l
Mercury	0.01	mg/l

Persistent Pesticides	0.00	mg/l

3. waters, or wastes, having pH lower than 5.0 or greater than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of sewerage works;

4. solid, or viscous, substance quantity, or of such size, capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works, such as, but not limited to, ashes, cinders, sand, mud, straw, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair, flushings, entrails, paper dishes, cups, and milk containers, either whole or ground by garbage grinders.

Section 6.3 - Controlled Discharges

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, to the District Sewer System without the prior written approval of the Administrator:

1. liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 degrees F.)/sixty-five degrees Centigrade (65 degrees C.); or in such quantities that the temperature at influent to the treatment works exceeds forty degrees Centigrade (40 degrees C.) or one hundred and four degrees Fahrenheit (104 degrees F.);

2. water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify, or become viscous, at temperatures between thirty-two degrees Fahrenheit (32 degrees) and one hundred fifty degrees Fahrenheit (150 degrees F.) (O degrees and 65 degrees Centigrade);

3. garbage that has not been properly shredded having particles no larger than one-half (½) inch in any dimension;

4. waters or wastes containing iron pickling wastes, or concentrated plating solutions, whether neutralized or not;

5. waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement; to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Administrator for such materials;

6. waters or wastes containing phenols or other waste, or odor-producing substances, in such concentration exceeding limits which may be established by the Administrator after treatment of the composite sewage to meet the requirements of the State, Federal, or public agencies having jurisdiction for the discharge to the receiving waters;

7. any radioactive wastes or isotopes;

8. materials which exert or cause:

a. unusual concentration of inert suspended solids (such as, but not limited to, Fuller's earth lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium-sulfate);

b. excessive coloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

c. (i) a B.O.D. in excess of 300 milligrams per liter.
(ii) a chlorine demand in excess of 25 milligrams per liter.
(iii) a chemical oxygen demand in excess of 600 milligrams per liter.
(iv) suspended solids in excess of 300 milligrams per liter;

d. unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

9. waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed by the District or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

Section 6.4 - Requirements for Accepting Controlled Discharges

If any waters or wastes are discharged, or are proposed to be discharged to the District Sewer System, which waters contain the substances or possess the characteristics enumerated in Section 6.3 of this Article, and which in the judgment to the Administrator may have a deleterious effect upon the sewage works, processes, equipment, or other receiving waters, or which otherwise create a hazard to life, or constitutes a public nuisance, the Administrator may:

1. reject the waters or waste;

2. require pretreatment to an acceptable condition for discharge to the Sewer System;

3. require control over the quantities and rates of discharge and/or

4. require that periodic reports be filed with the Administrator at intervals not exceeding six (6) months each, containing the following material:

a. the specific action, if taken, to achieve compliance with Section 307 of the United States Public-Law No. 92-500, and any pretreatment requirements mandated by any statute, rule or regulation of New York State, or any of its departments, agencies, or bureaus;

b. results of a comprehensive sampling and laboratory testing program indicating the characteristics of the wastewater so discharged in terms of parameters that will adequately identify the waste. The types of testing and frequency of testing for each such person so discharging such wastewater shall be specified by the Administrator. All sampling and laboratory testing, required by the Administrator, shall be performed by each such person, and all costs and expenses incident to the testing, sampling, monitoring and reporting with respect to providing data to the Administrator, the New York State Department of Environmental Conservation, the United States Environmental Protection Agency, or any other agency having jurisdiction, shall be borne by such person.

5. require payment in excess of the existing taxes or sewer charges or rents to cover the added cost of handling and treating the wastes pursuant to the provisions of Section 6.6 of this Article and any applicable law.

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

Section 6.5 - Grease Interceptors

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

Section 6.6 - Maintenance of Pretreatment Facilities

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

Section 6.7 - Control and Inspection Manhole.

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

Section 6.8 - Measurement and Tests

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

Section 6.9 - Review of Determination

Any persons aggrieved by any decision or determination made by the Administrator of the Sewer District may bring a Proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

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

ARTICLE VII
DISPOSITION OF SCAVENGER WASTES

Section 7.1 - Scavenger Discharges Prohibited

The discharge of private scavenger wastes into the sewer system and public sewers tributary thereto shall be authorized only by special permit issued by the Administrator and in accordance with this Ordinance .

ARTICLE VIII
SIGNIFICANT INDUSTRIAL USERS

Section 8.1 - Significant Industrial Users

The connection of any Significant Industrial Users as defined within Section 2.1 into the sewer system and sewers tributary thereto shall not be permitted.

ARTICLE IX

OUTSIDE USER

Section 9.1 - Outside Users

The connections of any sanitary sewage discharge system of any improved property located outside the district to the public sewer within the District shall only be authorized upon such terms and conditions as are acceptable to the Administrator and is in compliance with this Ordinance, and is approved in advance by the Town Board. All outside users shall be required to enter into an outside user agreement and pay an outside user rate as established by the Town Board.

ARTICLE X

PROTECTION FROM DAMAGE

Section 10.1 - Protection from Damage

Any person who willfully or negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure appurtenances, or equipment which is a part of the Sewer District, sewage system, or public sewer tributary thereto, will be in violation of this Ordinance, and subject to the penalties provided herein.

Section 10.2 - Notification of Discharge

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

Section 10.3 - Submission of Plans

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

ARTICLE XI

USER CHARGE SYSTEM

Sec. 11.1 - Purpose

The purpose of the User Charge System is to distribute the cost of operation and maintenance (including replacement) of the District Owned Wastewater Collection System to the pollutant source, i.e. user(s), and to promote self-sufficiency with respect to operation and maintenance costs. Within the District, each user receiving wastewater collection and treatment services shall be levied a charge sufficient to cover their pro rata share of the cost of maintenance of the collection system and any charges for conveyance and treatment cost.

Sec. 11.2 - Definitions

2a. User charge: A charge levied on users of the District sewer system to offset the costs of operation and maintenance of such works.

2b. User(s): Recipients (property owners) of wastewater collection and treatment services within the District contributing domestic sewage to the total wastewater loading of the treatment works.

2c. Replacement: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the collection and treatment works.

2d. Sewage: (As defined in Article II, Section 2.1 of Ordinance Governing Sewer Use)

2e. Outside User(s): Recipients (property owners) of wastewater collection and treatment services outside the District contributing domestic sewage to the total wastewater loading of the treatment works.

2f. Outside User Charge: A charge levied on outside users of wastewater collection system to offset the costs of operation and maintenance of such works.

2g. Trucked or Hauled Waste Charge: A charge levied for such waste to offset the costs of Operation and Maintenance of such works;

Sec. 11.3 - Requirements

3a. Annual Review: The District shall review not less than every year the user contribution, the total costs incurred in operation and maintenance of all treatment, and the user charge system. User charges shall be revised to accomplish the following:

1) Maintain the proportionate distribution of operation and maintenance costs among users.

2) Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the collection system, and

3) Apply excess revenues collected from the users to the costs of operation and maintenance attributable to the user for the next year and adjust the rate accordingly or to build a capital reserve fund to finance future maintenance.

3b. Toxic Pollutants: No toxic pollutants shall be discharged to the wastewater treatment works by a user as addressed in Article VI, Section 6.2, of the District Ordinance.

3c. Charges for Operation and Maintenance of Extraneous Flows: The costs of operation and maintenance for all flows not directly attributable to District users (i.e., infiltration/inflow) shall be distributed among all users of the District's treatment works and shall be charged to each user on a pro-rata basis per each single family user or equivalent thereof.

3d. Notification / Billing: Each user shall be notified annually of the rate and that portion of the user's charges attributable to wastewater collection and treatment services. Each user shall be billed annually with the user's charges being added to the annual Town tax bill.

Sec. 11.4 - User Charge System Assessment Formulation:

The following annual user charge assessment formula shall be used to determine the user unit cost to any user establishment (residential/commercial/institutional):

$$CU = \frac{Ct \times U}{Vt}$$

Where CU = User's charge for operation & maintenance/replacement; and debt retirement costs per year.

Where Ct = The District's total operation-maintenance/replacement costs; charges for transportation and

treatment; and sewage facilities construction debt retirement costs per year.

Vt = The District's total number of units for combined residential/commercial/institutional establishments per year.

U = User's number of units, derived from table below. One (1) unit shall represent one (1) single family dwelling.

Units Table

TYPE OF USER	ASSESSMENT FACTOR
Family Residence, Apartment or Mobile Home	1- Unit
Businesses	1-Unit per up to 4 employees at peak employment
	1-Unit additional for each additional 4 employees or fractional part thereof
Trailer Parks	3/4-Units per Trailer
Cottage extra from Residence	3/4-Units per Cottage
Bunkhouse separate from Residence	1/4 Unit per Bunkhouse **
Restaurants	1-Unit per 16-seats rounded up on a 1/4 Unit basis
State Park	1-Unit per 3-sites per single user agreement
Motel	1/4 Unit per-room
Vacant land	1/4 Unit per-lot
Schools	1-Unit per-14 Students & Supporting personnel
Laundromat	1-Unit first washer
Each additional washer	½-Unit
Car Wash	1-Unit per-Bay
Churches	1-Unit
Trucked or Hauled Waste	Per agreement with administrator

*In the absence of metered water usage all user (residential, commercial, institutional, etc.) flows shall be estimated based on D.E.C. "Standards For Waste Treatment Works" or other reasonable criteria. Trucked or Hauled Waste charges may also be increased as authorized by Articles VI, VII, and XII.

**A bunkhouse shall be defined as a separate structure from the primary residence located on a parcel

containing sleeping quarters with or without bathroom facilities utilized in conjunction with the primary residence as sleeping quarters for guests and not containing any kitchen or cooking facilities. A structure separate from the primary residence and used for human occupancy shall be presumed to be a cottage unless a property owner establishes to the satisfaction of the Administrator that the structure falls within the definition of bunkhouse. Upon satisfying the Administrator that the structure constitutes a bunkhouse rather than a cottage, the Administrator shall issue a bunkhouse permit to the property owner which shall be valid to qualify the structure as a bunkhouse for a period of five (5) years. Thereafter, the permit may be renewed every five (5) years upon presentation of evidence to the Administrator that the structure continues to constitute a bunkhouse as defined herein.

Section 11.5 - Utility Usages

In some instances the Town of Clayton may assess and use the electrical services serving a property owner's land for uses in connection with the sewer grinding pumping station and related apparatus to facilitate the transmission of sewage. In such instances the property owner shall receive a credit, or a refund, for additional utilities used. The refund or credit shall be issued in conjunction with a waste water collection and treatment services bill issued nearest the end of the calendar year.

ARTICLE XII
TRUCKED OR HAULED WASTE

Section 12.1 - Licenses and Application.

The discharge of trucked or hauled wastes into the sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Administrator. Applicants for such license shall apply on a form provided by the Administrator. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Administrator may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Administrator, not to exceed $100.

The licensee of trucked or hauled wastes will also be charged a fee for each dumping, in accordance with Article XI. The dumping fee shall be paid prior to dumping.

Section 12.2 - Concurrent Requirements.

The applicant for a license to truck or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the Administrator, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Administrator, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Administrator for willful, continued, or persistent violation thereof.

Section 12.3 - Dumping Location and Timing.

The Administrator may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week, or seasons of the year as shall be stated on said license or as may be relocated by the Administrator, after appropriate notice. The time and conditions for permissible discharge shall be as set forth on the license, or as may be revised by the Administrator, after appropriate notice.

Section 12.4 - Notification of Dumping.

Each discharge of trucked or hauled wastes shall be made only with the approval of the Administrator. The Administrator may require inspection, sampling, and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspections, sampling, and analysis shall be paid by the licensee.

ARTICLE XIII
ENFORCEMENT AND PENALTIES

Section 13.1 - Enforcement

The Administrator shall have the responsibility of enforcing the provisions of this Ordinance. Where a violation of said provisions is found, the Administrator shall notify the alleged offender personally and by written notice, or by certified mail of the nature of the violation, and prescribe a period of time not to exceed thirty (30) days within which the specified violation must be corrected. Such period of time may be extended by the Town Board.

If the violation is not corrected within the period specified in said notice, the Administrator may take such action as provided in Article XIII, Section 13.2 of this Ordinance.

Section 13.2 - Penalties and Civil Remedies

A violation of the provision of this Ordinance is an offense, and upon conviction each such violation may be punished by a fine not less than fifty ($50.00) dollars and not exceeding two hundred fifty ($250.00) dollars. In lieu of, or in addition to, such fine, each such violation shall be subject to a civil penalty, not exceeding three hundred ($300.00) for any one case, to be recovered in an Action or Proceeding brought by the Town Attorney in the name of the Sewer District in a Court competent jurisdiction to compel compliance with, or restrain by injunction, any violation of this Ordinance, notwithstanding the provision hereof for a penalty or other punishment.

Where any violation of this Ordinance causes additional expense to the Sewer District, the Sewer District shall have a cause of action against the violator to recover such additional cost including all costs of collection and Attorneys fees. The cause of action may be asserted at the discretion of the Administrator, and shall be in addition to the fine, penalty, and injunction herein above provided, and shall be brought by the Town Attorney in the name of the Sewer District in a Court of competent jurisdiction.

Any person 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 Ordinance, shall upon conviction, be punished by a fine of not more than $300.00 dollars.

Section 13.3 - Delinquent Payments

If there shall be any payments which are due to the Town, or any Department thereof, pursuant to any Article or Section of this Ordinance, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount due of the original bill, a penalty equal to five percent (5%) of the overdue amount. An additional penalty of ten (10%) shall be added for each successive period of thirty (30) days from initial unpaid billing.

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of October 15 of any year, the Administrator shall report the names of the defaulting persons to the Town Board, the Town Clerk and the Chief Assessor on or before October 25 of the same year. The Town is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to the Town in the next succeeding year, and the Town is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.

Where charges are delinquent and the violator is not a resident of the Town, then the Town attorney is authorized to seek recovery of charges, including all costs of collection, attorney fees and punitive damages, in a court of competent jurisdiction.

ARTICLE XIV

MISCELLANEOUS

Section 14.1

There shall be no amendments to Articles II - Definitions; V - Building Sewers and Connections; VI - Use of Public Sewer; VII - Disposition of Scavenger Waste; VIII - Significant Industrial Users; or XII - Trucked or Hauled Waste, except as authorized pursuant to the 2001 Intermunicipal Agreement between the Towns of Alexandria, Clayton, and Orleans and as the same Agreement may be amended from time to time.

ARTICLE XV

APPLICATION AND SEVERABILITY

Section 15.1

If any Article, Section, paragraph, subdivision, clause of provision of this Ordinance shall be adjudged invalid, such judgment shall apply only to such Article, Section, paragraph, subdivision, clause or provision so adjudged, and shall not affect, impair, or invalidate any other part or portion of this Ordinance.

Section 15.2

All Ordinances, Local Laws, or parts of Ordinances or Local Laws in conflict herewith are hereby repealed.

ARTICLE XVI

EFFECTIVE DATE

Section 16.1 - Effective Date

This Ordinance shall take effect ten (10) days after publication.