

## CHAPTER 46

### SANITARY SEWERS

#### ARTICLE 1

#### SHORT TITLE AND PURPOSE

##### ~ 46.1 **Short title**

For brevity and ease of communication, this chapter may be cited as the "Village Sewer Use Law."

##### ~ 46.2 **General purpose**

The general purpose of this chapter is the following: to provide for efficient, economic, environmentally safe, and legal operation of the Village POTW.

##### ~ 46.3 **Specific purposes**

The specific purposes of this chapter are the following:

A. To prevent the introduction of substances into the POTW that will:

1. Interfere with the POTW in any way;
2. Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit;
3. Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals;
4. Endanger municipal employees;
5. Cause air pollution, or groundwater pollution, directly or indirectly;
6. Cause, directly or indirectly, any public nuisance condition.

B. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

C. To assure that new sewers and connections are properly constructed.

D. To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

##### ~ 46.4 **Replacement of previous Sewer Use Law**

The provisions in the existing Village Code entitled "Sanitary Sewers" are hereby repealed and said provisions are replaced by the herein set forth Articles I through XIV inclusive.

~ 46.5 **Reference to Development Regulations**

All requirements, standards, design, and installation procedures, etc. described in this Chapter 46 of the Village of Avon Law are also subject to the requirements of the Village of Avon adopted Development Regulations.

ARTICLE II

DEFINITIONS

~ 46.6 **Defined terms**

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

**ABNORMAL SEWAGE** -- Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See "sewage, normal."

**ACT or THE ACT** -- The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

**ADMINISTRATOR** -- The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

**AMMONIA** -- The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

**APPLICANT** -- That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

**APPROVAL AUTHORITY** -- The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

**APPROVED LABORATORY PROCEDURE** -- The procedures defined as "standard methods" in this article, or other procedures approved by the Superintendent, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

**ASTM** (denoting American Society for Testing and Materials) -- The latest edition of any ASTM specification, when stipulated in this chapter.

**AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER** -- May be :

- A. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- B. A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;

C. 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.

BOD (denoting biochemical oxygen demand) -- The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

BUILDER -- Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

BUILDING DRAIN -- That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

CHLORINE DEMAND -- The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

COD, (denoting chemical oxygen demand) -- The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

COLOR -- The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred-percent (100%) transmittance is equivalent to zero (0.0) optical density.

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

CONNECTION -- Attachment of one user to a sewer (see "extension").

CONNECTION CHARGE (TAP FEE) -- The one-time application fee to offset Village expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

CONTROL AUTHORITY -- The term shall refer to "Approval Authority," or to the superintendent when the Village has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONTROL MANHOLE -- A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

CONVENTIONAL POLLUTANT -- A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

COOLING WATER -- The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this chapter.

COUNTY -- The county in which the Village is located.

DEVELOPER -- Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

**DIRECT DISCHARGE** -- The discharge of treated or untreated wastewater directly to the waters of the State of New York. (For reference, see "indirect discharge.")

**DOMESTIC WASTES** -- See "sewage, domestic."

**DRY SEWERS** -- The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

**EASEMENT** -- An acquired legal right for the specific use of land owned by others.

**END OF PIPE** -- For the purpose of determining compliance with limitations prescribed by Article IX, "end of pipe" shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

**END-OF-PIPE CONCENTRATION** -- The concentration of a substance in a sample of wastewater at end of pipe.

**END-OF-PROCESS CONCENTRATION** -- See "national categorical pretreatment standard."

**EPA, USEPA, or U.S. ENVIRONMENTAL PROTECTION AGENCY** -- The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this agency.

**EXTENSION** -- Attachment of a sewer line, with more than one user, to an existing sewer line.

**FACILITY** -- All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

**FLOATABLE OIL** -- Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

**FLOW RATE** -- The quantity of liquid or waste that flows in a certain period of time.

**GARBAGE** -- The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

**GRAB SAMPLE** -- A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

**ICS FORM** -- The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

**INDIRECT DISCHARGE** -- The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the state's waters. (For reference, see "direct discharge.")

**INDUSTRIAL** -- Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

**INDUSTRIAL CHEMICAL SURVEY (ICS)** -- The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

**INDUSTRIAL USER** -- See User, Industrial.

**INDUSTRIAL WASTES** -- The liquid or liquid-carried solid, liquid and/or gaseous wastes from

industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

**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.

**INFLOW** -- Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm 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 and/or built into the sewer or drain.

**INTERFERENCE** -- A discharge which, alone or in conjunction with discharges by other sources:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

B. Therefore is a cause of a violation of any requirement of the Village POTW's SPDES permit (including an increase in the magnitude or duration of a 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):

1. Section 405 of the Clean Water Act;
2. 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);
3. The Clean Air Act;
4. The Toxic Substance Control Act; and
5. The Marine Protection Research and Sanctuaries Act.

**LATERAL, BUILDING** -- The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

**LATERAL, STREET** -- The sewer extension from the public sewer to the property line.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD** -- Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with ~ 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT** -- A permit issued pursuant to ~ 402 of the Act (33 U.S.C. 1342).

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD** -- Any regulation developed under the authority of ~ 307 (B) of the Act, and 40 CFR, Section 403.5.

**NATURAL OUTLET** -- Any outlet, including storm sewers and combined sewer overflows, to state's waters.

**NEW OWNER** -- That individual or entity who purchased property within the service area of the Village after the effective date of this chapter.

**NEW SOURCE** -- Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a ~ 307 (C) (33 U.S.C 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated.

**NEW USER** -- A discharger to the POTW who commences discharge after the effective date of this chapter.

**NORMAL SEWAGE** -- See "sewage, normal."

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

**OIL AND GREASE** -- The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

**OLD OWNER** -- That individual or entity who owns or owned a property, within the service area of the POTW, purchased prior to the effective date of this chapter, or who inherited the property at any time and intends to sell the property, or has sold the property to a new owner; also the agent of the old owner.

**OTHER WASTES** -- Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes; also, the discarded matter not normally present in sewage or industrial waste.

**PASS-THROUGH** -- The discharge which exits the Village POTW into waters of the state in quantities which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**PERMIT** -- A temporary, revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this chapter.

**PERSON** -- Any individual, public or private corporation, political subdivision, federal, state, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

**pH** -- The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

**PHOSPHORUS, TOTAL** -- See "total phosphorus."

**POLLUTANT** -- Any material placed into or onto the state's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**POLLUTION** -- The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the state's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**PRETREATMENT (TREATMENT)** -- The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be

achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, ~ 403.6 (D).

**PRETREATMENT REQUIREMENTS** -- Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PRETREATMENT STANDARD or NATIONAL PRETREATMENT STANDARD** -- Any categorical standard or prohibitive discharge standard.

**PRIORITY POLLUTANTS** -- The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**PROHIBITIVE DISCHARGE STANDARD** -- See "national prohibitive discharge standard."

**PROPERLY SHREDDED GARBAGE** -- The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**POTW TREATMENT PLANT** -- That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** -- A treatment works, as defined by Section 212 of the Act (33 U.S.C 1292), which is owned, in this instance, by the Village of Avon. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

**RECEIVING WATERS** -- A natural watercourse or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

**RECORDS** -- Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including, but not limited to, letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this chapter, "records" shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

**ROOF DRAIN** -- A drain installed to receive water collecting on the surface of a roof for disposal.

**SEPTAGE** -- All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries; also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

**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.

**SERVICE AREA OF THE POTW** -- The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Village Board.

**SEWAGE** -- A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be

considered sewage, within the meaning of this definition.

**SEWAGE, DOMESTIC (DOMESTIC WASTES)** -- Liquid wastes from the noncommercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See "sewage, sanitary.")

**SEWAGE, NORMAL** -- Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- A. BOD (five-day): 2,090 pounds per million gallons (250 milligrams per liter), or less.
- B. Suspended solids: 2,500 pounds per million gallons (300 milligrams per liter), or less.
- C. Phosphorus: 125 pounds per million gallons (15 milligrams per liter), or less.
- D. Ammonia: 250 pounds per million gallons (30 milligrams per liter), or less.
- E. Total Kjeldahl nitrogen: 417 pounds per million (50 milligrams per liter), or less.
- F. Chlorine demand: 209 pounds per million gallons (25 milligrams per liter), or less.
- G. Chemical oxygen demand: 2,920 pounds per million gallons (350 milligrams per liter), or less
- H. Oil and grease: 830 pounds per million gallons (100 milligrams per liter), or less.

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

**SEWAGE, SANITARY** -- Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial, and other wastes. (See "domestic wastes.")

**SEWAGE TREATMENT PLANT (WATER POLLUTION CONTROL PLANT)** -- See "POTW treatment plant."

**SEWAGE, UNUSUAL STRENGTH OR CHARACTER** -- Sewage which has characteristics greater than those of normal sewage and /or which contains substances of concern.

**SEWER** -- A pipe or conduit for carrying or transporting sewage.

**SEWER, COMBINED** -- A sewer designed to receive and transport both surface runoff and sewage.

**SEWER, PUBLIC** -- A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Village.

**SEWER, SANITARY** -- A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

**SEWER, STORM (STORM DRAIN)** -- A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.



**SEWERAGE SURCHARGE** -- The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See "volume charge.")

**SEWERAGE SYSTEM (ALSO "POTW")** -- All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

**SIGNIFICANT INDUSTRIAL USER** -- See "user, significant industrial."

**SIGNIFICANT NONCOMPLIANCE (SNC)** -- A user is in significant noncompliance if its violation(s) meet(s) one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those, in 66% or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);

C. Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under Article XI of this chapter;

E. 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;

F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to report accurately any noncompliance;

H. Any other violation which the Superintendent determines will adversely affect the implementation or operation of the local pretreatment program.

**SLUG** -- A substantial deviation from normal rates of discharge or constituent concentration (see "normal sewage") sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that 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 user operations, shall constitute a slug.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** -- A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**STANDARD METHODS** -- Procedures contained in the latest edition of "Standard Methods for the

Examination of Water and Wastewater," published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR Part 136, and amendments thereto (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Superintendent, whichever is the most conservative.

STATE -- State of New York.

STATE'S WATERS -- See "waters of the state."

STORMWATER -- Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

SUBSTANCES OF CONCERN -- Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

SUMP PUMP -- A mechanism used for removing water from a sump or wet well.

SUPERINTENDENT -- That individual nominated by the Village Mayor and confirmed by the Village Board as the Superintendent of Public Works. Such an individual shall be qualified to oversee water/wastewater treatment systems, distribution and collection systems, and POTW operations. This definition shall also include his authorized deputy, agent, or representative.

SUSPENDED SOLIDS -- The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

TOTAL KJELDAHL NITROGEN (TKN) -- The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

TOTAL PHOSPHORUS -- The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

TOWN -- The Town of Avon.

TOXIC SUBSTANCES -- Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to 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.

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

USER, EXISTING -- A discharger to the POTW who is discharging on or before the effective date of this chapter.

USER, INDUSTRIAL -- A discharger to the POTW who discharges nondomestic wastewaters.

USER, NEW -- A discharger to the POTW who initiates discharge after the effective date of this

chapter.

USER, SIGNIFICANT INDUSTRIAL (SIU) -- An industrial user of the Village POTW who is:

- A. Subject to National Categorical Pretreatment Standards promulgated by the EPA;
- B. Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works;
- C. Using, on an annual basis, more than 10,000 pounds or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system;
- D. Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

\*Note: A user discharging a measurable quantity of a pollutant may be classified as nonsignificant if, at the influent to the POTW treatment plant, the pollutant is not detectable.

VILLAGE -- The Village of Avon.

VOLUME CHARGE (USER CHARGE) -- The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article XII). The volume charge shall be based on a specific cost per 100 cubic feet or per 1,000 gallons. The specific charge shall be subject to approval by the Village Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW. The basis of volume charge calculations shall be made available to the public, on demand, as provided in Article XIII. The volume charge shall be recalculated annually, as well as the surcharge rates.

WASTEWATER -- The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER DISCHARGE PERMIT -- A permit as set forth in Article X of this chapter.

WASTEWATER, UNUSUAL STRENGTH OR CHARACTER -- See "sewage, unusual strength or character."

WATERS OF THE STATE (STATE'S WATERS) -- All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

## ~ 46.7 Abbreviations

The following abbreviations shall have the designated meanings:

ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
BOD	-	Biochemical oxygen demand
CFR	-	Code of Federal Regulations

CPLR	-	Code of Public Law and Rules
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NCPI	-	National Clay Pipe Institute
NPDES	-	National Pollutant Discharge Elimination System
NYSDEC	-	New York State Department of Environmental Conservation
NYSDOH	-	New York State Department of Health
NYSDOT	-	New York State Department of Transportation
P	-	Total phosphorus
PSI	-	Pounds per square inch
POTW	-	Publicly owned treatment works
PPM	-	Parts per million, weight basis
SIC	-	Standard Industrial Classification
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 690 L et seq.
U.S.C.	-	United States Code of Laws
USEPA	-	United States Environmental Protection Agency
TSS	-	Total suspended solids

~ 46.8 **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.

### ARTICLE III

#### USE OF PUBLIC SEWERS REQUIRED

~ 46.9 **Waste Disposal Unlawful**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Village or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

~ 46.10 **Connecting private sewage system to storm sewer unlawful**

No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for stormwater.

~ 46.11 **Discharge of sewage into well prohibited**

No person shall discharge sewage into a well.

~ 46.12 **Wastewater discharge unlawful**

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

~ 46.13 **Building permit allowed only when approved wastewater disposal available**

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this chapter, is available. All housing construction or building development which takes place after this chapter is enacted shall provide for an approved system of sanitary sewers.

~ 46.14 **Private wastewater disposal unlawful**

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

~ 46.15 **Connection to public sewer required**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a Village sewer, is hereby required, at the owner's expense, to install suitable sanitary facilities therein, and to connect such facilities directly with the proper Village sewer, in accordance with the provisions of this chapter, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

~ 46.16 **Limitation on use of public sewers**

The use of the Village public sewers shall be strictly limited and restricted, except as provided in ~ 46.15, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the service area of the POTW.

~ 46.17 **Wastewater from outside POTW service area: intermunicipal agreements**

A. The Village Board, on the recommendation of the Superintendent, shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

B. If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this chapter.

C. If the person is not a municipality, the acceptance shall be made only with the expressed written consent of the Superintendent (the issuance of a permit) setting forth the terms and conditions of such a acceptance.

~ 46.18 **Moratorium**

At the recommendation of the Superintendent, who determines that one or more segments of the POTW is exceeding its hydraulic capacity at any time or any specific purpose of this chapter is being violated, the Village Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

- A. Construction of new facilities;
- B. Enlarging existing facilities;
- C. Correction of inflow and infiltration;
- D. Cleaning and repairing of existing facilities.

~ 46.19 **Basis of sewer use requirement**

All requirements, directives, and orders calling for mandatory use of the sewers, within the service area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Village Board, NYSDEC, USEPA, and/or other such state or federal agencies which have enforcement powers.

#### ARTICLE IV

#### PRIVATE WASTEWATER DISPOSAL

~ 46.20 **Public sewer unavailable, private wastewater disposal required**

Where a public sewer is not available, under the provisions of ~ 46.11, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the rules and regulations of the NYSDOH, to be enforced by the Superintendent and/or the Livingston County Health Department.

~ 46.21 **Connection of two buildings to same septic tank prohibited**

No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field.

~ 46.22 **Construction permit application**

A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Village. A fee, established by Article XII, shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH - "Standards for Waste Treatment Works," or NYSDEC "Standards for Commercial and Institutional Facilities," as appropriate.

~ 46.23 **Construction permit**

A written construction permit shall be obtained from the Superintendent before construction commencement. The

Superintendent, or his designated representative, shall be permitted to inspect the construction work at any stage, without prior notice.

~ 46.24 **Preventing nuisances; rehabilitation required**

When the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the Village, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Superintendent, the Livingston County Health Department, or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Superintendent to do so, shall, within ninety (90) days after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the Livingston County Health Department, at the owner's expense.

~ 46.25 **Sanitary operation required**

The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

~ 46.26 **Septage removal**

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three-year intervals or more frequently.

~ 46.27 **Direct connection to new public sewers required**

At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this chapter, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

~ 46.28 **Additional requirements**

No statement in this article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Superintendent, to protect public health and public welfare.

## ARTICLE V

### NEW SEWERS or SEWER EXTENSIONS

NOTE: The requirements for new sewers or sewer extensions will be as outlined in this Sewer Use Law and as defined in the Village of Avon adopted Development Regulations.

~ 46.29 **Proper design**

A. New sanitary sewers and all extensions to sanitary sewers owned and operated by the Village shall be designed, by a professional licensed to practice sewer design in the state, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from, the Superintendent, the Livingston County Health Department, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

B. If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the Village Board.

~ 46.30 **New sewers**

A. New sewers subject to approval, fees, inspection, testing, and reporting.

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Superintendent, and the Livingston County Health Department, in accordance with ~ 46.29. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Village expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to Article VI, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in Section 46.31, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Superintendent, without prior notice. The Superintendent shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in Section 46.33, before any building lateral is connected thereto. The Superintendent shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required may be established. No new sanitary sewers will be accepted by the Village Board until such construction inspections have been made so as to assure the Village Board of compliance with this chapter and any amendments or additions thereto. The Superintendent has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction. The Superintendent shall report all findings of inspections and tests to the Village Board.

B. Plans, specification, and pipe test results required.

Plans, specifications, and methods of installation shall conform to the requirements of this article. Components and materials of wastewater facilities not covered in this chapter, such as pumping stations, lift stations, or force mains shall be designed in accordance with ~ 46.29, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in ~ 46.34. When requested, the applicant shall submit, to the Superintendent and to the Livingston County Health Department, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.



~ 46.31 **Sewer pipe specifications**

A. Sewer pipe.

1. Sewer pipe material shall be:

a. Reinforced concrete pipe. (Note that nonreinforced concrete pipe shall not be used.)

- (1) Portland cement shall conform to ASTM C-150 Type II.
- (2) The pipe and specials shall conform to ASTM Specification C-76.
- (3) The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate.
- (4) Entrained air shall be 5.0% to 9.0% by ASTM C-890.
- (5) Water absorption and three-edge bearing tests shall conform to ASTM Specification C-497.
- (6) Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C-302.

b. Cast iron pipe - extra heavy.

- (1) Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A-74 or ANSI A-21.11.
- (2) Gaskets shall conform to ASTM Specification C-564.

c. Polyvinyl chloride (pvc) pipe - heavy wall.

- (1) Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D-1784.
- (2) Pipe and accessories shall conform to the requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%):
  - (i) ANSI/ASTM D 3034: four inches to 15 inches.
  - (ii) ASTM F 679 Type I: 18 inches to 27 inches.

d. Ductile iron pipe.

- (1) Pipe, fittings, and specials shall be manufactured in accordance with ASTM Specification A-746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A-21.11 and have a minimum pressure class rating of 150 PSI.
- (2) All pipe and fittings shall be cement-mortar-lined in accordance with ANSI Specification A-21.4 at twice the specified thickness, and have an internal and external bituminous seal coating.
- (3) Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

e. Vitrified clay pipe - extra strength. (Note that standard strength vitrified clay pipe shall not

be used.)

(1) Pipe shall conform to the current requirements of NCPI Specification ER 3300-67 and meet the requirements of ASTM Specification C 700.

f. Acrylonitrile-butadiene-styrene (ABS) pipe.

(1) Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

g. Other pipe materials. Other pipe materials require prior written approval of the Superintendent before being installed.

2. The minimum internal pipe diameter shall be eight (8) inches for gravity sewers and three (3) inches for low-pressure sewers.

3. Joints for the selected pipe shall be designed and manufactured such that O-ring gaskets of the snap-on type are used.

4. Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled joint, such that the requirements of ~ 46.33 are met.

5. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.

6. Wye branch fittings, as approved by the Superintendent, shall be installed, for connection of street laterals, in accordance with ~ 46.42.

B. Safety and load factors.

1. Selection of pipe class shall be predicated on the following criteria:

a. Safety factor: 1.5.

b. Load factor: 1.7.

c. Weight of soil: 120 pounds/cubic foot.

d. Wheel loading: 16,000 pounds.

2. Utilizing the foregoing information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, "Design and Construction of Sanitary and Storm Sewers," and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

3. PVC pipe shall not be encased in concrete due to their different coefficients of linear thermal expansion.

C. Sewer pipe installation.

1. Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

2. The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other

organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

3. The public shall be protected from personal and property damage as a result of the construction work.

4. Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

5. Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.

6. The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods as approved by the Superintendent, before trench excavation is initiated.

7. Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

8. Open trenches shall be protected at all hours of the day with barricades, as required.

9. Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Superintendent. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.

10. The trench shall be excavated approximately six (6) inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.

11. Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.

12. Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.

13. No structure shall be undercut unless specifically approved by the Superintendent.

14. Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.

15. To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown nor no higher than one foot below final grade, and left in the trench, during backfill operations.

16. The pipe barrel shall be supported, along its entire length, on a minimum of six (6) inches of crusher run maximum 1/2-inch stone free of organic material. This foundation shall be firmly tamped in the excavation.

17. Bell holes shall be hand excavated, as appropriate.

18. Pipe shall be laid from low elevation to high elevation. The pipe bell shall be up-gradient; the pipe spigot shall be down-gradient.

19. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

20. The grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. These alternative procedures, including bending the pipe barrel, deflecting the joint, and using special fittings, shall require prior written approval of the plans and also written confirmation approval of need by the Superintendent after examination of the site conditions.

21. When a smaller sewer joins a larger one the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

22. Crushed stone shall be placed over the laid pipe to a depth of at least six (6) inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D2321 using Class 1A or 1B backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.

23. The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.

24. The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be to 95 % of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or frozen material shall not be used for backfill.

#### D. Cleanout installation.

1. Cleanouts for low-pressure sewers shall be placed at intervals of approximately 400 to 500 feet, at major changes of direction, where one collection main joins another main and at the upstream end of each main branch.

2. The design of the cleanouts shall be as approved by the Superintendent.

#### ~ 46.32 **Manholes and manhole installation**

A. Design of all manholes shall be submitted to the Superintendent and shall receive approval prior to placement.

B. Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet, except as authorized by the Superintendent.

C. Manhole bases shall be constructed or placed on a minimum of six (6) inches of crusher run maximum one-half-inch stone free of organic materials.

D. Manhole bases shall be constructed of 4,000 psi (28-day) concrete 8 inches thick, or shall be precast bases properly bedded in the excavation. Field-constructed bases shall be monolithic, properly reinforced, and extend at least 6 inches beyond the outside walls of lower manhole sections. Precast manhole bases shall extend at least 6 inches beyond the outside walls of lower manhole sections.

E. Manholes shall be constructed using precast minimum four-foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478, with the following exceptions on wall thickness:

<b>Manhole Diameter (feet)</b>	<b>Wall Thickness (inches)</b>
4	5
5	6
6	7
6-1/2	7-1/2
7	8
8	9

1. All sections shall be cast solid, without lifting holes.
2. Flat-top slabs shall be a minimum of 8 inches thick and shall be capable of supporting an H-20 loading.

F. All joints between sections shall be sealed with an O-ring rubber gasket, meeting the same specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.

G. All joints shall be sealed against infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.

H. No steps or ladder rungs shall be installed in the inside or outside manhole walls at any time.

I. No holes shall be cut into the manhole sections closer than 6 inches to joint surfaces.

J. Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.

K. The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the one-hundred-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade.

L. When located in a travelled area (road or sidewalk), the manhole frame and cover shall be heavy-duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light-duty cast iron. The cover shall be 36 inches, minimum, in diameter. The minimum combined weight of the heavy-duty frame and thirty-six-inch cover shall be 735 +/- 5% pounds. The minimum combined weight of the light duty frame and thirty-six-inch cover shall be 420 +/- 5% pounds. The mating surfaces shall be machined and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented.

M. A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on all junction manholes and on manholes with bends greater than 45°.

N. Inverts and shelves/benches shall be placed after testing the manholes and sewers.

O. Benches shall be level and slope to the flow channel at about 1 inch per foot.

P. The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.

Q. Manhole frames, installed at grade, shall be set in a full bed of mortar with no less than two nor more

than four courses of brick underneath to allow for later elevation adjustment. In lieu of brick, grade rings may be used for elevation adjustment. Grade rings shall not exceed 6 inches in depth. The total number of grade rings shall not exceed 12 inches in height; however, in no event shall more than 3 grade rings be used.

R. Manholes which extend above grade shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six one-half-inch corrosion-resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.

S. Internal drop pipes and fittings shall be PVC plastic sewer pipe in compliance with ASTM D2241. Corrosion-resistant anchors shall be used to attach the drop pipe to the inside surface of the manhole barrel.

### ~ 46.33 **Infiltration/Exfiltration testing**

A. All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Village. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Superintendent, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed ten (10) feet or fill to within six (6) inches of the top of the downstream manhole. Should this condition prevail, the testing methods in ~ 46.32F and/or 46.32G shall be utilized. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

#### B. Test section.

The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of forty-eight-inch diameter pipe, 5 feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per 24 hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made, and the section retested.

#### C. Test period.

The test period, during which the test measurements are taken, shall not be less than two (2) hours.

#### D. Pipe lamping.

Prior to testing, the section shall be lamped. Any length of pipe out of straight alignment shall be realigned.

#### E. Deflection testing.

Also prior to testing, all plastic pipe, in the test section, shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95% of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than 5% shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device.

F. Low-pressure air testing alternative.

1. In lieu of hydrostatic testing (exfiltration or infiltration), low-pressure air testing may be employed. Low-pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately 4.0 PSIG. The air-pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSIG to 2.5 PSIG.
2. Acceptance is based on limits tabulated in the "Specification Time Required for a 1.0 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe."
3. Before pressure is applied to the line, all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.
4. If the test section is below groundwater, the test pressure shall be increased by an amount sufficient to compensate for groundwater hydrostatic pressure; however, the test pressure shall not exceed 10 PSI, or a lower pressure as required by the Superintendent.
5. The pressure test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Superintendent prior to testing.

G. Vacuum testing alternative.

1. In lieu of hydrostatic testing (exfiltration or infiltration), vacuum testing may be employed for testing of sewer lines and manholes. Sewer lines and manholes shall be tested separately. All sewer lines to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. The vacuum test shall be based on the time, measured in seconds, for the vacuum to decrease from 10 inches of mercury to 9 inches of mercury for manholes, and from 7 inches of mercury to 6 inches of mercury for sewers.
2. Acceptance of manholes is based on the following:

<b>Manhole Depth (feet)</b>	<b>Manhole Diameter 1" Hg (10" to 9") (feet)</b>	<b>Time to Drop (seconds)</b>
10 or less	4	120
10 to 15	4	150
15 to 25	4	180

For five-foot diameter manholes, add 30 seconds to the times above.

For six-foot diameter manholes, add 60 seconds to the times above.

3. If the test on the manhole fails (the time is less than that tabulated above), necessary repairs shall be made and the vacuum test repeated, until the manhole passes the test.
4. Acceptance of sewers (7" Hg to 6" Hg) is based on the time tabulated in the "Specification Time Required for a 0.5 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe."
5. The vacuum test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the Superintendent prior to testing.

~ 46.34 **Force mains**

A. Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with ~ 46.29. Additional design requirements are:

1. Force main pipe material shall be:

a. Ductile iron pipe.

(1) Pipe shall conform to ANSI A21.51. The minimum wall thickness shall be Class 52 (ANSI A21.50). The pipe shall be clearly marked with either "D" or "DUCTILE." Fittings shall conform to ANSI A21.10.

(2) Pipe and fittings shall be furnished with push-on joints conforming to ANSI A21.11.

(3) Pipe and fittings shall be cement mortar lined and have an internal and external bituminous seal coating.

b. Polyvinyl chloride (PVC) plastic pipe. Pipe shall conform to ASTM D2241. Materials used in the manufacture of PVC pipe shall meet ASTM c1784. The minimum wall thickness shall be SDR-21. Fittings shall conform to ASTM D2241. Joints and gaskets shall conform to ASTM D2241, D1869, and F477.

c. Other pipe materials. Other pipe materials require prior written approval of the Superintendent before being installed.

2. Trenching, bedding, and backfilling shall be in accordance with ~ 46.31C.

3. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

4. Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7-1/2 degrees or greater.

5. Drain valves shall be placed at low points.

6. Automatic air relief valves shall be placed at high points and at intervals of 400 feet on level force main runs.

7. Air relief and drain valves shall be suitably protected from freezing.

8. When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

9. The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T." The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least 4 feet long; the lower arm shall terminate in a PVC plastic sewer pipe ninety-degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion resistant anchors.

B. Force main testing.



All force mains shall be subjected to hydrostatic pressure of 150% of the normal operating pressure. The duration of the test, at pressure, shall be at least 2 hours. Before conducting the test, the pipe shall be filled with water and all air shall be expelled. During the test, water shall be added, as needed, to maintain the test pressure. The amount of water added shall be recorded so as to calculate leakage. Leakage shall not exceed 25 gallons per day per mile per inch nominal pipe diameter. During the test, the owner and the Superintendent shall walk the route of the force main and examine the exposed pipe and the ground covering any backfilled pipe to discover leaks. Leakage in excess of that specified above shall be corrected with new material at the owner's expense and the test repeated. Any observed leaks shall be repaired at the owner's expense. Each test section length shall be as approved by the Superintendent, but in no event longer than one thousand (1,000) feet.

~ 46.35 **Final acceptance and warranty/surety**

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Superintendent, and concurrence by the Village Board, shall become the property of the Village of Avon, and shall thereafter be operated and maintained by the Village. No sanitary sewer shall be accepted by the Village until four (4) copies of as-built drawings have been so filed with the Superintendent and the Superintendent has approved the submitted drawings. Said sewers, after their acceptance by the Village, shall be guaranteed against defects in materials or workmanship for one (1) year, by the applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Village Board, secured by a surety bond or such other security as the Village Board may approve.

~ 46.36 **Liability insurance coverage during construction period**

A. All contractors engaged in connecting house laterals with sanitary sewers, who perform any work within the right-of-way of any highway, shall file a bond in the amount of Five Thousand Dollars (\$5,000.00) with the Village Clerk to indemnify the Village against loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant for such a permit, or any of his or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the Village (Board) may be revoked at any time for just cause.

B. Insurance requirements.

1. Before commencing work, the above contractor shall file insurance certificates with the Village Clerk for the following:

a. Workman's compensation and employer's liability insurance as required by the laws of the state covering the contractor;

b. Personal injury liability having limits of not less than \$500,000 each occurrence and \$500,000 aggregate (completed operations/products, personal injury);

c. Property damage liability having limits of not less than \$500,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

- (1) Premises and operations;
- (2) Independent contractors;
- (3) Completed operations and products;
- (4) Property damage; and

(5) Explosions, collapse and underground;

d. Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

(1) Bodily injury:

(i) Each person: \$300,000.

(ii) Each occurrence: \$500,000.

(2) Property damage, each occurrence: \$500,000.

e. Business excess liability insurance in the amount of \$2,000,000.

2. All insurance policies must provide for five (5) business days' notice to the Village before cancellation and must cover all liabilities of the Village and be in a form approved by the Village Board and be in a satisfactory form approved by the Board.

3. The minimum insurance limits stated above shall be subject to periodic review by the Village Board and adjustments made, by resolution, as appropriate.

C. Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk or curbing, permission must be obtained from the Village Superintendent of Streets if a Village highway is involved, from the County Department of Public Works if a county highway is involved, and/or the New York State Department of Transportation if a state highway is involved.

D. The minimum insurance limits above shall be as established by the Village Board and shall be subject to periodic review and adjustment, as appropriate, by the Village of Avon Board.

## ARTICLE VI

### BUILDING LATERALS, STREET LATERALS CONNECTIONS, and FEES

#### ~ 46.37 **Permits required; inflow/infiltration**

A. Permit required for sewer connections.

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

B. Inflow/Infiltration prohibited.

No person shall discharge or cause to be discharged any storm cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

#### ~ 46.38 **Sewer lateral permits**

A. There shall be two classes of sewer lateral permits:

1. For residential, commercial, and institutional service;
2. For service to establishments producing industrial wastes.

B. In either case, a permit application shall be submitted to the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgement of the Superintendent. A fee, for residential, commercial, institutional and industrial users, as established by the Village Board, shall accompany the application.

C. Connections to existing manholes shall be made as directed by the Superintendent.

#### ~ 46.39 **Laterals; dry sewers**

A. New building laterals.

1. A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building.

2. New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Superintendent has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be:

- a. Exposed and totally encapsulated in not less than three inches of concrete, or
- b. Exposed and walled and the building rooms above positively ventilated outdoors.

3. All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Superintendent. No new manholes shall be constructed on the portion of the lateral under the building.

B. Laterals serving several buildings.

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment.

C. Laterals serving complexes.

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer pursuant to ~ 46.31D and 46.78 and the lateral connection made and tested as directed by the Superintendent. Plans and specifications shall be prepared and submitted for approval pursuant to this chapter.

D. Dry sewers.

Dry Sewers shall be designed and installed in accordance to this chapter.

#### ~ 46.40 **Using existing building laterals**

Existing building laterals may be used in connection with new buildings only when they are found, on

examination by the Superintendent, to meet all requirements of this chapter.

~ 46.41 **Lateral pipe materials**

A. Building and street lateral pipe materials shall be one of the following:

1. Tar-coated, service grade, cast iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings." All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end," if gasket joints are used.

2. Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings." All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum pipe stiffness (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412.

B. Any part of the building or street lateral that is located within five (5) feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the Superintendent where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Superintendent. The distance between consecutive joints, as measured along the center line of the installed pipe, shall not be less than ten (10) feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the Superintendent. The size and slope of building and street laterals shall be subject to approval by the Superintendent, but in no event shall the internal pipe diameter be less than 4 inches, nor shall the pipe slope be less than 1/4 inch per foot

~ 46.42 **Street lateral connections**

A. Street lateral to public sewer connection.

1. At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient one-eighth-bend (45°) 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.

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

B. 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 a standard plug approved for use by the Superintendent. 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 two-inch by six-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 Superintendent. A refundable deposit shall be placed with the Village 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 Village until four (4) copies of this record drawing have been so filed with the Superintendent and the Superintendent has approved the submitted drawings.

C. Special manhole requirements.

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to ~ 46.32 and 46.77, and the lateral connection made thereto as directed by the Superintendent.

~ 46.43 **Laterals at and near buildings**

A. 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 express written approval of the Superintendent.

B. 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° 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.

~ 46.44 **Sewage lifting**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Superintendent.

~ 46.45 **Lateral pipe installation**

All excavations required for the installation of a building or street lateral shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with Paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches and, except that no backfill shall be placed until the work has been inspected. The depth of cover over the pipe shall be sufficient to afford protection from frost, but not in any case shall such depth be less than four (4) feet. Where it is physically impossible to provide cover of four (4) feet, the depth may be reduced to a minimum of two (2) feet and the pipe shall be insulated, as approved by the Superintendent.

~ 46.46 **Joints**

A. Watertight joints.

All joints and connections shall be made watertight.

B. Cast iron pipe poured joints.

Poured joints for cast iron pipe shall be firmly packed with oakum or hemp, and the annulus filled with an approved compound not less than 1 inch deep. Said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Superintendent. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F, nor be soluble in any of the wastes carried by the lateral.

C. Cast iron push joints.

Premolded gaskets may be used for hub and plain end cast iron pipe joints and joints with fittings, if approved by the Superintendent. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be premolded, one-piece unit, designed for joining the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, nontoxic material, and shall not chemically attack the gasket material.

D. PVC push joints.

Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 605.

~ 46.47 **Building lateral/street lateral connection**

A. Installation and maintenance.

1. The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under ~ 46.30, if a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, by a licensed plumber, at the owner's expense. The street lateral shall be installed with a properly sealed and covered cleanout to grade located at the property line. The cleanout shall terminate in a metal box embedded in concrete.

2. The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.

3. The property owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.

4. It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.

5. The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Superintendent. After installation of the street lateral has been approved by the Superintendent, the new street lateral shall become the property of the Village. Any subsequent repairs to the new street laterals shall be made by the Village at the Village's expense.

B. Cleanout repair/replacement.

If, in the judgment of the Superintendent, it is determined that a building lateral, without a property line cleanout, needs repair or replacement, the Village may install a cleanout at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

C. Street lateral replacement; ownership.

Any existing street lateral which, upon examination by the Superintendent, is determined to be in need of replacement will be replaced with a new street lateral with a property line cleanout. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and cleanout shall be at the property owner's expense. Once the replacement street lateral and cleanout have been constructed and approved by the Superintendent, the new street lateral shall become the property of the Village. Any repairs to new street laterals shall be made by the Village at the Village's expense.

~ 46.48 **Testing**

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by:

- A. Any full-pipe method described in Section 505; or
- B. By a suitable joint method, with the prior written approval of the Superintendent.

~ 46.49 **Inspections**

A. Connection inspection.

1. The applicant for the building lateral permit shall notify the Superintendent when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the Superintendent.

2. The applicant for the street lateral permit shall notify the Superintendent when the street lateral is ready for inspection and connection is to be made to the main sewer. The connection shall be made under the supervision of the Superintendent.

B. Trench inspections.

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes, such trenches shall be inspected by the Superintendent. Before the trenches are backfilled, the person performing such work shall notify the Superintendent when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Superintendent.

~ 46.50 **Public safety provisions required; restoration of disturbed areas**

All excavations for constructing building laterals shall be adequately protected 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 Superintendent. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter, the Village Department of Public Works (DPW) shall complete road and shoulder restoration to the Village standards. The cost for such final road and shoulder restoration by the DPW shall be included with the fees paid with the application for the permit required in Section 602.

~ 46.51 **Interior cleanout**

A. An interior cleanout fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch with removable plug or test tee, and be so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral.

B. The cleanout diameter shall be no less than the building lateral diameter.

~ 46.52 **Costs borne by owner**

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Village. The property owner shall indemnify the Village from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances.

ARTICLE VII

INFLOW

~ 46.53 **New inflow sources prohibited**

No connections shall be made to a sanitary or to a combined sewer, which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges, or other sources of inflow.

~ 46.54 **Existing inflow sources disconnected**

For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Superintendent, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Superintendent, prior to the sale of the property.

~ 46.55 **Existing inflow sources disconnected when property sold**

Upon notice from the Tax Assessor, the Superintendent 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.

~ 46.56 **No reconnection of inflow source allowed**

It shall be a willful violation of this chapter for any person to reconnect any inflow source which has been disconnected pursuant to this article.

~ 46.57 **Charges for inflow**

The Superintendent is enabled to take whatever action is necessary to determine the amount of inflow, including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed



for inflow according to Article XII, however, the Village Board may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

## ARTICLE VIII

### TRUCKED OR HAULED WASTE

#### ~ 46.58 **Licenses and application**

A. The discharge of trucked or hauled wastes into the Village sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Superintendent. Applicants for such license shall apply on a form provided by the Superintendent. 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 Superintendent 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 Superintendent, not to exceed \$100.

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

#### ~ 46.59 **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 Superintendent, 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 Superintendent, 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 Superintendent for willful, continued, or persistent violation thereof.

#### ~ 46.60 **Dumping location and timing**

The Superintendent 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 Superintendent, 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 Superintendent, after appropriate notice.

#### ~ 46.61 **Notification of dumping**

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

## ARTICLE IX

### DISCHARGE RESTRICTIONS

~ 46.62 **Pretreatment standards**

All users of the Village POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 406 to 471.

~ 46.63 **General prohibitions**

A. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other national, state, or local pretreatment standards or requirements.

B. Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

1. Any solids, liquids, 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 a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame-type explosion hazard meter, at the point of discharge into the system (or at any other point in the system), be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphthalene, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Village, the state, or the EPA has determined to be a fire hazard, or hazard to the POTW.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (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, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.

3. Any wastewater having a pH less than 5.0 or greater than 10.0, unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.

5. Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

6. Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to 10° C. (50° F.); any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.

7. Any wastewater which will cause interference or pass-through.

8. Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

9. Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40° C (104° F). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65° C.

10. Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

11. Any wastewater containing any radioactive wastes except as approved by the Superintendent, and in compliance with applicable state and federal regulations.

12. Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

13. Any wastewater with a closed-cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR Part 261.21.

14. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

#### ~ 46.64 **Concentration discharge monitored substances**

Any person or user within the Village of Avon or outside the Village of Avon discharging, directly or indirectly, any of the substances on the following page or other substances as determined by the Village at a detectable level to the Village POTW shall be considered an industrial user and shall be subject to a wastewater discharge permit. Permit limits and specifications shall be established by the Superintendent in accordance with this chapter. Any industrial user, may be declared, upon review of the Superintendent and in accordance with this chapter, a significant industrial user. (See Article X.) Concentration limits for the following substances will be as defined in each individual user's wastewater discharge permit and are applicable to wastewater effluents at the point just prior to discharge into the POTW (end-of-pipe concentrations). Concentration limit units will be mg/L.

#### **Concentration Discharge Monitored Substances**

##### **SUBSTANCE**

Antimony  
Arsenic  
Barium  
Beryllium  
Bismuth  
Bromine  
Cadmium  
Chlorides  
Chlorine  
Chromium (hex)  
Chromium (tot)  
Cobalt  
Copper  
Cyanide (complex)  
Cyanide (free)  
Fluorides

Gold  
Iodine  
Iron  
Lead  
Manganese  
Mercury  
Molybdenum  
Nickel  
Phenols, total  
Selenium  
Silver  
Sulfates  
Sulfides  
Tin  
Titanium  
Vanadium  
Zinc

A. Except for chromium (hex), all concentrations listed on the issued permit for metallic substances shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

B. As determined on a composite sample taken from the user's daily discharge over a typical operational and/or production day.

C. As determined on a grab sample taken from the user's discharge at any time during the daily operational and/or production period.

D. Other substances which may be limited are:

Alkanes, alkenes and alkynes  
Aliphatic and aromatic alcohols and acids  
Aliphatic and aromatic aldehydes and ketones  
Aliphatic and aromatic esters  
Aliphatic and aromatic halogenated compounds  
Aliphatic and aromatic nitro, cyano and amino compounds  
Antibiotics  
Benzene derivatives  
Chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds  
Pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides  
Phthalates  
Polyaromatic and polynuclear hydrocarbons  
Total toxic organics, TTO, as defined in 40 CFR 433.11  
Toxic organic compounds regulated by federal pretreatment standards  
Unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group  
Viable pathogenic organisms from industrial processes or hospital procedures

~ 46.65 **Mass discharge monitored substances**

A. At no time shall the influent to the POTW contain quantities of the following substances in excess of those specified on the individual wastewater discharge permit issued by the Village. Concentration limit units will be in pounds/day.

## **Substance**

Aluminum  
Antimony  
Arsenic  
Barium  
Beryllium  
Bismuth  
Bromine  
Cadmium  
Chromium (hex)  
Chromium (total)  
Cobalt  
Copper  
Cyanide (complex)  
Cyanide (free)  
Fluoride  
Gold  
Iron  
Lead  
Manganese  
Mercury  
Nickel  
Phenols (total)  
Selenium  
Silver  
Sulfide  
Tin  
Titanium  
Vanadium  
Zinc

B. The Superintendent shall determine the total allowable influent load of each substance from industrial users.

1. In determining the total load of each substance that industrial users shall be allowed to discharge, the Superintendent shall consider:

- a. The quantities of each substance that are uncontrollable because they occur naturally in wastewater;
- b. The quantities of each substance that are anthropogenic but are nonetheless uncontrollable;
- c. Historical discharge trends;
- d. Past pollution control efforts of each industrial user as compared to other industrial dischargers of the same substance;
- e. Potential for growth in the POTW service area;
- f. Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and

g. Treatability of the substance. The superintendent shall apply a minimum fifteen-percent safety factor to be protective of the POTW.

C. To assure that the total loads so calculated, for each substance, are not violated, the Superintendent shall issue permits to industrial users limiting discharge loads.

~ 46.66 **Modification of limitations**

A. Limitations on wastewater strength or mass discharge contained in this chapter per each issued wastewater discharge permit may be supplemented with more stringent limitations when, in the opinion of the Superintendent:

1. The limitations are not sufficient to protect the POTW;
2. The limitations are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit;
3. The POTW sludge will be rendered unacceptable for disposal or reuse as the Village desires, as a result of discharge of wastewaters at the prescribed concentration limitations;
4. Municipal employees or the public will be endangered; or
5. Air pollution and/or groundwater pollution will be caused.

B. The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the Village Board. This chapter shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

~ 46.67 **Access to user's records**

The Superintendent shall have the authority to copy any record related to wastewater discharges to the POTW.

~ 46.68 **Dilution**

A. Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

B. Dilution flow shall be considered to be inflow.

~ 46.69 **Grease, oil, and sand interceptors**

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

~ 46.70 **Solid waste grinders**

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the Village POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the POTW treatment plant.

~ 46.71 **Rejection of wastewater**

The Village Board may reject a user's wastewater, on recommendation of the Superintendent, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See ~ 46.87.

## ARTICLE X

### DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS

~ 46.72 **Wastewater discharge reports**

As a means of determining compliance with this chapter, with applicable SPDES permit conditions, and with applicable state and federal law, each industrial user shall be required to notify the Superintendent of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Superintendent. The Superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Superintendent deems necessary. All information shall be furnished by the user in complete cooperation with the Superintendent.

~ 46.73 **Notification to industrial users**

The Superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

~ 46.74. **Wastewater discharges**

A. No industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the Superintendent. Industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter.

B. Wastewater discharge permits required for industrial users.

All industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing industrial users shall make application for a wastewater discharge permit within 30 days after the effective date of this chapter, and shall obtain such a permit within 90 days after making application.

C. Discharge permits to storm sewers not authorized.

The Village does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

~ 46.75 **Wastewater discharge permits**

A. Application for wastewater discharge permits.

1. Industrial users required to obtain a wastewater discharge permit shall complete and file with the Superintendent an application in the form prescribed by the Village, the application shall be accompanied by a fee, as set forth in ~ 46.113. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address, and location (if different from the address).
- b. SIC code of both the industry and any categorical processes.
- c. Wastewater constituents and characteristics, including but not limited to those mentioned in Article X of this chapter and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with standard methods.
- d. Time and duration of the discharge.
- e. Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances.
- g. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged to the POTW.
- h. Each product produced by type, amount, process or processes, and rate of production.
- i. Type and amount of raw materials processed (average and maximum per day).
- j. Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- k. The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.

l. If additional pretreatment and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an



engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(2) No increment referred to in Subsection A11(1) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.

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

m. Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.

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

#### B. Permit modifications.

1. Wastewater discharge permits may be modified by the Superintendent, upon 30 days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- a. Promulgation of an applicable National Categorical Pretreatment Standard;
- b. Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;
- c. Changes in general discharge prohibitions and local limits as per ~ 46.64 of this chapter;
- d. Changes in processes used by the permittee, or changes in discharge volume or character;
- e. Changes in design or capability of any part of the POTW;
- f. Discovery that the permitted discharge causes or contributes to pass-through or interference;
- and
- g. Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

2. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in ~ 46.754A (12)(a).

#### C. Permit conditions.

Wastewater discharge permits shall be expressly subject to all the provisions of this chapter, and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:

1. Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
2. Limits on the average and maximum wastewater constituents and characteristics, including concentration

or mass discharge limits.

3. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
4. Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
5. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
6. Compliance schedules.
7. Requirements for submission of technical reports or discharge reports.
8. Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Village, and affording the Superintendent access thereto.
9. Requirements for notification of the Village of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
10. Requirements for the notification of the Village of any change in the manufacturing and/or pretreatment process used by the permittee.
11. Requirements for notification of excessive, accidental, or slug discharges.
12. Other conditions as deemed appropriate by the Village to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

#### D. Permit duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

#### E. Permit reissuance.

The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in ~ 46.75B, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Based on the changes and/or new conditions in the reissued permit, the Village will set a reasonable date by which compliance by the user will be required.

#### F. Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

#### G. Permit revocation.

Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

#### H. Public notification.

The Village will publish in the Village official newspaper(s), informal notice of intent to issue a wastewater discharge permit, at least 14 days prior to issuance.

#### I. Permit fees.

All costs associated with producing a wastewater discharge permit for an industrial user will be borne solely by that user, including engineering, legal, and administrative fees. The Village of Avon will recoup any and all expenses incurred by the creation and publication of the permit from the user.

### ~ 46.76 **Reporting requirements for permittee**

#### A. The reports or documents required to be submitted or maintained under this section shall be subject to:

1. The provisions of 18 USC ~ 1001 relating to fraud and false statements;
2. The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
3. The provisions of Section 309(c)(6) of the Act, as amended, regarding corporate officers.

#### B. Baseline monitoring report.

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a user subject to that standard shall submit, to the Superintendent, the information required by paragraphs (8) and (9) of ~ 46.75A.

#### C. Ninety-day compliance report.

Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

#### D. Periodic compliance reports.

1. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in ~ 46.75A. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.

2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by ~ 46.76D(1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with standard methods, by a laboratory certified by NYSDOH to perform the analyses.

E. Violation report.

If sampling, performed by the user, indicates a violation of this chapter and/or the user's discharge permit, the user shall notify the Village, at least verbally, within 24 hours of becoming aware of the violation. The user shall then follow-up with the Village with a formal written notification, which discusses circumstances and remedies. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Village within 15 days after becoming aware of the violation. The user is not required to resample if the POTW performs monitoring of the user's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the user's initial sampling and when the user receives the results of this sampling.

F. Other reports.

The Superintendent may impose reporting requirements equivalent to the requirements imposed by ~ 46.76D for users not subject to pretreatment standards.

~ 46.77 **Flow equalization**

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate-of-discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

~ 46.78 **Monitoring stations (control manholes)**

A. All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through, shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

B. If there is more than one street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.

C. The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

~ 46.79 **Proper design and maintenance of facilities and monitoring stations**

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization, or monitoring facilities at the time this chapter is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring is required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

~ 46.80 **Vandalism, tampering with measuring devices**

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

A. Any structure, appurtenance, or equipment which is a part of the village POTW; or

B. Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this chapter, except as approved by the Superintendent.

~ 46.81. **Sampling and analysis**

A. Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.

B. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with standard methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in ~ 46.78, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as flow-proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

~ 46.82 **Accidental discharges; SPCC plan**

A. Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:

1. Breakdown of pretreatment equipment;
2. Accidents caused by mechanical failure, or negligence;
3. Other causes.

B. Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future

occurrences, within five (5) days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

C. When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent for approval. These plans and procedures shall be called a "Spill Prevention, Control, and Countermeasure (SPCC) Plan." The plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

#### ~ 46.83 **Posting notices**

In order that the industrial user's employees be informed of the Village requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Village requirements and whom to call in case of an accidental discharge in violation of this chapter.

#### ~ 46.84 **Sample splitting**

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Village representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any quality control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Village for its own analysis.

#### ~ 46.85 **Public access to information maintained by the Superintendent**

A. When requested, the Superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics and reports of accidental discharges shall not be recognized as confidential.

B. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this chapter, or the SPDES permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

~ 46.86 **Access**

A. Access to property and records.

The Superintendent and other authorized representatives of the Village, representatives of EPA, NYSDEC, NYSDOH, and/or Livingston County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all nonresidential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the Village POTW, and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

B. Access to easements.

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Village public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

C. Liability of property owner.

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in ~ 46.85A and B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

~ 46.87 **Special agreements**

A. Nothing in this article shall be construed as preventing any special agreement or arrangement between the Village and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Village Board shall consider whether the wastewater will:

1. Pass through or cause interference;
2. Endanger the public municipal employees;
3. Cause violation of the SPDES Permit;

4. Interfere with any purpose stated in ~ 46.2;

5. Prevent the equitable compensation to the Village for wastewater conveyance and treatment, and sludge management and disposal.

B. No discharge which violates the Federal Pretreatment Standards will be allowed under the terms of such special agreements.

C. No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally, the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Village before the agreement is entered into. The Village Board may condition the agreement.

## ARTICLE XI

### ENFORCEMENT AND PENALTIES

#### ~ 46.88 **Enforcement response plan**

A. The Superintendent shall prepare an enforcement response plan. The enforcement response plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by users of the POTW. All violations by users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

B. The enforcement response plan shall:

1. Describe how the Superintendent will investigate instances of noncompliance;

2. Describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of user violations and the time periods within which to initiate and follow-up these actions;

3. Adequately reflect the Village Board's responsibility to enforce all applicable standards and requirements.

C. The enforcement response plan shall contain:

1. Criteria for scheduling periodic inspection and/or sampling visits to POTW users;

2. Forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence;

3. Systems to track due dates, compliance schedule milestones, and pending enforcement actions;

4. Criteria, responsible personnel, and procedures to select and initiate an enforcement action.

D. The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as: magnitude of the violation; duration of the violation; effect of the violation on the receiving water; effect of the violation on the POTW; effect of the violation on the health and safety of the POTW employees; compliance history of the user; and good faith of the user; and shall promote consistent and timely use of enforcement remedies.

E. The Village Board shall approve the enforcement response plan. The enforcement response plan shall be



reviewed at least every five years.

~ 46.89 **Administrative remedies: notification of violation**

Whenever the Superintendent finds that any user has violated or is violating this chapter, or any wastewater discharge permit, order, prohibition, limitation, or requirement permitted by this chapter, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within five (5) calendar days of the date the user receives the notice from the Superintendent, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

~ 46.90 **Administrative remedies: consent orders**

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

~ 46.91 **Administrative remedies: administrative or compliance orders**

A. When the Superintendent finds that a user has violated or continues to violate this chapter or a permit or administrative order issued thereunder, he may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

B. The user may, within fifteen (15) calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions;
2. Modify or suspend the order; or
3. Order the petitioner to show cause in accordance with ~ 46.96 and may as part of the show-cause notice, request the user to supply additional information.

~ 46.92 **Administrative remedies: administrative fines**

A. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

B. The user may, within fifteen (15) calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order and fine. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions;
2. Modify or suspend the fine; or
3. Order the petitioner to show cause in accordance with ~ 46.96 and may, as part of the show-cause notice, request the user to supply additional information.

~ 46.93 **Administrative remedies: cease and desist orders**

A. When the Superintendent finds that a user has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith;
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

B. The user may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions;
2. Modify or suspend the order;
3. Order the petitioner to show cause in accordance with ~ 46.96 and may, as part of the show-cause notice, request the user to supply additional information.

~ 46.94 **Administrative remedies: termination of permit**

A. Any user who violates the following conditions of this chapter or a wastewater discharge permit or administrative order, or any applicable state and federal law, is subject to permit termination:

1. Violation of permit conditions or conditions of an administrative order;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater constituents and characteristics;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
5. Failure to pay administrative fines, fees or user charges. Noncompliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

B. The user may, within fifteen (15) calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions;

2. Order the petitioner to show cause in accordance with ~ 46.96 and may, as part of the show-cause notice, request the user to supply additional information.

~ 46.95 **Water supply severance**

A. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed, and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

B. The user may, within fifteen (15) calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

1. Reject any frivolous petitions;
2. Reconnect the water supply; or

3. Order the petitioner to show cause in accordance with ~ 46.96 and may, as part of the show-cause notice, request the user to supply additional information.

~ 46.96 **Administrative remedies: show-cause hearing**

A. The Superintendent may order any user appealing administrative remedies for violations of this chapter to show cause, before the Village Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with ~ 46.98 of this Article. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with ~ 46.98.

B. The Village Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Village to conduct the hearing and:

1. Issue, in the name of the Village Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Take sworn testimony;
4. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village of Avon Board for action thereon.

C. After the Village Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.

~ 46.97 **Failure of user to petition Superintendent**

In the event the Superintendent issues any administrative order, terminates the user's permit, or makes any fine as set forth in this article, and the user fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this article, the user shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

~ 46.98. **Notice**

The notices, orders, petitions, or other notification which the user or Superintendent shall desire or be required to give pursuant to any sections of this chapter shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the user pursuant to the sections of this chapter shall be mailed to the user where the user's effluent is discharged into transmission lines to the Village's POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Village Hall of the Village of Avon.

~ 46.99 **Right to choose multiple remedies**

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this article. The Superintendent may utilize more than one administrative remedy established pursuant to this article, and the Superintendent may hold one show-cause hearing combining more than one enforcement action.

~ 46.100 **Judicial remedies: Civil actions for penalties**

A. Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any administrative order or determination of the Superintendent promulgated under this chapter, or the terms of any permit issued hereunder, shall be liable to the Village for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing (unless the user waives the right to a hearing) held in conformance with the procedures set forth in this article. Each violation shall be a separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village Attorney, or his designated attorney, at the request of the Superintendent in the name of the Village in any court of competent jurisdiction, giving preference to courts local to the Village. In addition to the above-described penalty, the Superintendent may recover all damages incurred by the Village from any persons or users who violate any provisions of this chapter, or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Superintendent promulgated under this chapter, or the terms of any permit issued hereunder. In addition to the above-described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Village in enforcing the provisions of this article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

B. In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other relative factors as justice may require.

C. Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Village Attorney, and where such matter has been referred to the Village Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Village Attorney, with the consent of the Superintendent.

~ 46.101 **Judicial remedies: court orders**

A. In addition to the power to assess penalties as set forth in this article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this article, to seek an order:

1. Suspending, revoking, or modifying the violator's wastewater discharge permit; or
2. Enjoining the violator from continuing the violation.

B. Any such court order shall be sought in an action brought by the Village Attorney, at the request of the Superintendent, in the name of the Village, in any court of competent jurisdiction, giving precedence to courts local to the Village.

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

~ 46.102 **Judicial remedies: criminal penalties**

A. Any person who willfully violates any provision of this chapter or any final determination or administrative order of the Superintendent made in accordance with this article shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year, or both. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

B. Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year, or both.

C. No prosecution, under this section, shall be instituted until after final disposition of a show-cause hearing, if any, was instituted.

~ 46.103 **Judicial remedies: additional injunctive relief**

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

~ 46.104 **Judicial remedies: summary abatement**

A. Notwithstanding any inconsistent provisions of this chapter, whenever the Superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in the judgment of

the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this article.

B. If the user is not within the geographic boundaries of the Village, the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement.

C. The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

#### ~ 46.105 **Delinquent payments**

A. If there shall be any payments which are due to the Village, or any department thereof, pursuant to any article or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Village, the same shall constitute a default, and there shall be added to the entire amount of the original bill a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

B. 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 December 15 of any year, the Superintendent shall report the names of the defaulting persons to the Village Supervisor, the Village Clerk, the Village Chief Assessor, and the Village Treasurer on or before December 15 of the same year. The Village Chief Assessor 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 chapter, to the real property taxes due and owing to Village in the next succeeding year, and the Village Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Village are collected.

C. Where charges are delinquent and the violator is not a resident of the Village, or is located outside the geographical boundaries of the Village, then the Village Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the county in the next ensuing year.

#### ~ 46.106 **Performance bonds**

The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

#### ~ 46.107 **Liability insurance**

The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

~ 46.108 **Informant rewards**

The Superintendent is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Superintendent is authorized to disperse up to 10% of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000, including the discovery reward.

~ 46.109 **Public notification**

The Superintendent shall provide public notification, in the official Village newspaper, of users that were in significant noncompliance with local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

~ 46.110 **Contractor listings**

A. Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village.

B. Existing contracts for the sale of goods or services to the Village held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Village Board.

## ARTICLE XII

### CHARGES

~ 46.111 **Normal sewage service charges**

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent.

~ 46.112 **Surcharge for abnormal sewage**

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.

~ 46.113 **Total sewer service charge**

The total sewer service charge (which shall be called the "user charge"), is comprised of two parts, as follows:

$$UC(t) = UC(n) + UC(an)$$

Where:

UC(t) = Total user charge for POTW operation and maintenance

UC(n) = User charge associated with normal sewage

UC(an) = User charge associated with abnormal sewage

UC(n) = OM x (OQ/100) x (QIA/QA)

$$UC(an) = OM \{ [OB/100 \times (BIA-Bn)/BA] + [OS/100 \times (SIA-Sn)/SA] + [OP/100 \times (PIA-Pn)/PA] + [ONH/100 \times (NHIA-NHn)/NHA] + [OTK/100 \times (TKIA-TKn)/TKA] \}$$

Where:

OM = Total annual POTW operation and maintenance costs

OQ = Percentage of OM attributable to flow (Q)

OB = Percentage of OM attributable to BOD5

OS = Percentage of OM attributable to suspended solids

OP = Percentage of OM attributable to total phosphorus

ONH = Percentage of OM attributable to ammonia

OTK = Percentage of OM attributable to total Kjeldahl nitrogen

QIA = Average daily flow rate [millions of gallons/day (mgd)] from discharger

BIA = Average daily BOD5 loading (lb/day) from discharger

SIA = Average daily suspended solids loading (lb/day) from discharger

PIA = Average daily total phosphorus loading (lb/day) from discharger

NHIA = Average daily ammonia loading (lb/day) from discharger

TKIA = Average daily total Kjeldahl nitrogen loading (lb/day) from discharger

QA = Average daily flow rate (mgd) at the POTW treatment plant

BA = Average daily BOD5 loading (LB/DAY) at the POTW treatment plant

SA = Average daily suspended solids loading (lb/day) at the POTW treatment plant

PA = Average daily total phosphorus loading (lb/day) at the POTW treatment plant

NHA = Average daily total ammonia loading (lb n/day) at the POTW treatment plant

TKA = Average daily total Kjeldahl nitrogen loading (lb n/day) at the POTW treatment plant

Bn = BOD5 loading (lb/day) in discharge if it were normal sewage



- Sn = Suspended solids loading (lb/day) in discharge if it were normal sewage
- Pn = Total phosphorus loading (lb/day) in discharge if it were normal sewage
- NHn = Ammonia loading (lb/day) in discharge if it were normal sewage
- TKn = Total Kjeldahl nitrogen loading (LB N/DAY) in discharge if it were normal sewage

NOTES:

1. If any difference of terms in the equation above is negative, then that portion of the equation shall not be used; that is, the difference shall be set to zero when it is negative.
2. All averages are arithmetic averages determined from available data during the billing period.

~ 46.114 **Segmenting the POTW**

The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

~ 46.115 **Measurement of flow**

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

~ 46.116 **Billing period**

The billing period shall be quarterly for industrial and quarterly for nonindustrial users.

~ 46.117 **Pretreatment program costs**

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the user, and include:

- A. Reimbursement of costs of setting up and operating the pretreatment program;

- B. Issuing permits;
- C. Monitoring, inspections, and surveillance procedures;
- D. Costs of equipment and supplies;
- E. Reviewing accidental discharge procedures;
- F. Construction inspections;
- G. Filing appeals;
- H. Application for consistent removal status as outlined in 40 CFR 403;
- I. Other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the NYSDEC, and the federal government.

~ 46.118 **Charges for trucked and hauled wastes**

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be Twenty Dollars (\$20.00) per thousand (1000) gallons dumped. The manner of determining the volume dumped shall be at the discretion of the Superintendent.

~ 46.119 **Capital recovery**

The Village may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

~ 46.120 **Collection of charges**

The provisions of Article XI of this chapter relating to the collection of penalties shall apply to the collection of sewer service charges and abnormal sewage service surcharges, unless where otherwise provided by application of the Sewer Rent Law by the Village.

~ 46.121 **Fiscal year for system**

The POTW shall be operated on the basis of a fiscal year commencing on the first day of January and ending on the thirty-first day of December.

~ 46.122 **Impact fees**

The Village (Board) shall have the authority to impose impact fees on new development, which development may:

- A. Cause enlargement of the service area of the POTW;
- B. Cause increased hydraulic and/or treatment demands on the POTW;

~ 46.123 **Use of revenues**

Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- A. For the payment of the operation and maintenance, including repair and replacement costs, of the Village POTW;
- B. For the discovery and correction of inflow and infiltration;
- C. For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Village POTW; and
- D. For the extension, enlargement, replacement of, and/or additions to the Village POTW, including any necessary appurtenances.

~ 46.124 **Records and accounts**

A. The Village shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Village will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

B. Classification of old and new industrial users should also be reviewed annually.

C. The Village shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

## ARTICLE XIII

### PUBLIC DISCLOSURE OF POTW OPERATIONS

~ 46.125 **POTW Operations open to public**

It shall be the policy of the Village (Board) to conduct all business with full disclosure to the public.

~ 46.126 **Procedural requirements available**

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this chapter and for requesting a hearing shall be formulated by the Village and be made available to any resident of the Village upon request.

~ 46.127 **Validity through public inspection**

The Village shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Village in administration of this chapter. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

## ARTICLE XIV

### CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

#### ~ 46.128 **Conflicts**

The provisions of any Village law in conflict with any provision of this chapter are hereby repealed.

#### ~ 46.129 **Severability**

Each provision of this chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this chapter, which shall nonetheless remain in full force and effect.

#### ~ 46.130 **When effective**

This chapter shall take effect 30 days after its filing in the office of the Secretary of State.

#### ~ 46.131 **Applicability**

Articles I, II, IV, VIII, XI, XII, XIII and XIV shall apply in all incorporated areas of the Village. Articles III, V, VI, VII, IX and X shall apply only in incorporated areas of the Village which are also within the service area of the POTW.

### **Historical Note**

Chapter 46 was added by Local Law #1 of 2000, enacted 1-20-2000, which repealed former Chapter 46, adopted by Local Law #11 of 1985, enacted 10-1-1985, as amended.

A LOCAL LAW ESTABLISHING SEWER RENTS TO BE  
IMPOSED UPON PROPERTIES WITHIN THE VILLAGE OF AVON

Be it enacted by the Board of Trustees of the Village of Avon as follows:

Section 1. Title

This Local Law shall be known and may be cited as the Village of Avon Sewer Rent Local Law.

Section 2. Purpose and Intent

The Board of Trustees of the Village of Avon (the "Village") hereby finds and determines that the most equitable manner of collecting funds from the various properties within the Village served by its sewer system (the "District") to defray the fees imposed by the Village for treatment of the effluent pumped to the sewage treatment plant operated by said Village is to be based upon the consumption of water on the premises connected with and served by the said District. All other costs of expenditures for operating and maintaining the facilities of said District shall continue to be computed and assessed upon benefited real property.

Section 3. Definitions

For the purposes of this local law, the definitions set forth in section 45I of the General Municipal Law shall be controlling.

Section 4. Sewer Rents

A. Imposition. Pursuant to Article 14 of the Village Law and pursuant to Article 14-F of the General Municipal Law, the Village hereby establishes and imposes sewer rents for the use of the sewer system or for any part or parts thereof and establishes and imposes such sewer rents as a minimum charge and a water use surcharge on the real property using such sewer system.

B. Computation. Sewer rents shall be based on water consumption and computed in the following manner on all water consumed:

Effective upon filing of this local law with the Secretary of State, quarterly sewer rents for each unit specified shall be:

1.	Single family residence	\$50.00
2.	Apartment	\$50.00
3.	Commercial	\$50.00
4.	Industrial	\$50.00
5.	Business	\$50.00

6. All others \$50.00

In addition, all types of units listed above shall pay \$55.00 per quarter for each 2,000 cubic feet of water consumed and a pro-rata charge for any portion of the last 2,000 cubic feet of water consumed.

C. In the absence of a metered water supply, or in case of consumers of water who discharge into the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer, the Village Commissioner of Public Works may require or permit the installation of a water meter by the owner or occupant of the premises to measure the quantity of water supplied from such source, and the quantity of water measured by such meter shall constitute the basis for computing the sewer rent in accordance with the provisions of paragraph (B) above. The cost of the purchase and installation of water meters shall be paid by the property owner.

D. Any owner or occupant of premises charged for sewer rents may install, without any cost to the district, a sewer meter device acceptable to the Commissioner of Public Works to measure actual sanitary sewage discharge, upon which the same rate shall apply as set forth in paragraph (B) above.

#### Section 5. Cooperation by Owner of Real Property

The Commissioner of Public Works may require each owner and/or occupant of real property within the district to furnish him with such information as may be necessary and reasonable in order to carry out the provisions of this article. It shall be permissible for the Commissioner of Public Works or other properly authorized person employed by the district to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provisions of this article.

#### Section 6. Payment and Collection

All sewer rents imposed hereunder shall be due and payable in the same manner and at the same times that water rents are due and payable. Sewer rent shall be billed and collected in the same manner and at the same times as the billing and collection of water rents due. There shall be a penalty of ten (10) percent of the amount due added to a sewer rent bill which is not paid within thirty (30) days after the billing date. All delinquent unpaid sewer rents as of May 1 in any year will be added to the real property tax bill rendered on the property the following June.

#### Section 7. Correction of Errors

If any owner of real property on which a sewer rent has been imposed deems itself, himself or herself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer rent, he, she or it may file an application for a refund of all or part of such sewer rent. Such application shall be verified by the owner and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Board of Trustees of the Village, which may refund all or part of such sewer rent.

Section 8. Liens

Sewer rent shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax assessment or other lawful charge imposed by or for the state or political subdivision or district thereof.

Section 9. Sewer Rent Fund

Revenue derived from sewer rent, including penalties and interest, shall be credited to a special fund to be known as the "sewer rent fund." Moneys in the fund shall be used to pay for treatment of the effluent pumped to the sewage treatment plant.

Section 10. Separability Clause

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

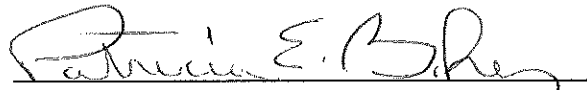
Section 11. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 12. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

June 30, 2011



Patricia E. Baker

Village Clerk