

**Chapter 130**

**SEWER USE LAW**

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**HISTORY:** Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No.5 -2005 (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

## **GENERAL REFERENCES**

Unsafe buildings - See Ch. 67

Subdivision of land - See Ch. 138.

ARTICLE I  
**Short Title and Purpose**

**§130-1. Title**

This Law may be cited as the Patterson Sewer Use Law.

**§130-2. Purpose**

The purpose of this Law is:

- A. To provide for efficient, economic, environmentally safe, and legal operation of the wastewater treatment plant and collection system which services the sewered areas located in the Hamlet Sewer District,
- B. 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, endanger municipal employees, cause air pollution, or groundwater pollution, directly or indirectly, cause, directly or indirectly, any public nuisance condition.
- C. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- D. To assure that new sewers and connections are properly constructed.
- E. To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal.

**§130-3. Applicability**

Except as may be provided herein, this Local Law shall apply to those areas incorporated into the Front Street Sewer District or the Patterson Hamlet Sewer District including Cornwall Meadows Townhouses, Patterson Village Condominiums, Covington Greens Townhouses, twelve parcels along Front Street identified as the Front Street Sewer District, and shall also include any out-of district users to the Hamlet Sewer District POTW.

ARTICLE II

## **Definitions**

### **§130-4. Definitions**

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law 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 normal sewage.

**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.

**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)

**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.

**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 Law.

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

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

**ENGINEER** - The Town Engineer of the Town of Patterson.

**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.

**HAMLET SEWER DISTRICT** - (also Patterson Hamlet Sewer District) those areas within the Town of Patterson identified in the Map, Plan and Report dated and last revised on March 2002 prepared by Dufresne-Henry Engineers and Landscape Architects, P.C. including Cornwall Meadows Townhouses, Patterson Village Condominiums, Covington Greens Townhouses, twelve parcels along Front Street identified as the Front Street Sewer District, and the Carmel Central School buildings

**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 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, storm waters, 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 inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the Hamlet Sewer District 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):

- (a) Section 405 of the Clean Water Act,
- (b) 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),
- (c) Clean Air Act,
- (d) Toxic Substance Control Act, and
- (e) 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.

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

**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.

**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.

**OUT OF DISTRICT USER** - Any person, as defined herein, which is contributing sewage to the Hamlet Sewer District POTW and who is not included or a part of the Hamlet Sewer District.

**PASS THROUGH** - The discharge which exits the Hamlet Sewer District 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).

**PERSON** - Any individual, firm, company, association, institution, society, public or private corporation or group.

**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.

**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 Hamlet Sewer District. 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 water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

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 Town Board of the Town of Patterson.

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 non-commercial 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 -

A. Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- (1) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (2) SUSPENDED SOLIDS - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (3) PHOSPHORUS - 125 lbs. per million gallons (15 milligrams per liter), or less
- (4) AMMONIA - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (5) Total KJELDAHL NITROGEN - 417 lbs. per million (50 milligrams per liter), or less.
- (6) CHLORINE DEMAND - 209 lbs. per million gallons (25 milligrams per liter), or less.

(6) CHEMICAL OXYGEN DEMAND - 2920 lbs. per million gallons (350 milligrams per liter), or less.

(8) OIL AND GREASE - 830 lbs. per million gallons (100 milligrams per liter), or less.

B. 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 storm water, surface water, industrial, and other wastes. (See Domestic Wastes.)

SEWAGE WORKS - All facilities for the collecting, pumping, treating and disposing of sewage.

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, 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.

SIGNIFICANT INDUSTRIAL USER - see User, Significant Industrial.

SIGNIFICANT NON-COMPLIANCE (SNC) - A user of the sewage works is in significant non-compliance 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 sixty-six (66) percent 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 thirty-three (33) percent 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 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 11 of this Law;

(d) 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;

(e) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(f) Failure to report accurately any non-compliance;

(g) 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.

**STORM WATER** - 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.

**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 Patterson.

**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, INDUSTRIAL** - A discharger to the POTW who discharges non-domestic wastewaters.

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

**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 storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATERS OF THE STATE (State's Waters)** - All streams, lakes, ponds, marshes, water courses, 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.

### **§130-5. 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  
NYCDEP - New York City Department of Environmental Protection  
NYSDEC - New York State Department of Environmental Conservation  
NYSDOH - New York State Department of Health  
NYSDOT - New York State Department of Transportation  
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 State Code of Laws  
USEPA - United State Environmental Protection Agency  
TSS - Total Suspended Solids

### ARTICLE III Conformance Required

#### **§130-6. Limitations on the discharge of sewage.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, on or in any area under the jurisdiction of the Town of Patterson, any human or animal excrement, garbage, or objectionable waste.
- B. No person shall, within any area of the Town of Patterson, 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.
- C. No person shall, within any area of the Town of Patterson, connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.
- D. No person shall, within any area of the Town of Patterson, discharge sewage into a well.
- E. It shall be unlawful to discharge to any natural outlet, within Town of Patterson, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

#### **§130-7. 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 Patterson Hamlet Sewer District is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper sewage works, in accordance with the provisions of this law, 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.

#### **§130-8. Permit Required for Sewer Connections**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb the Hamlet Sewer District sewage works or appurtenance thereof without first obtaining a written permit from the Supervisor of the Town of Patterson.

#### **§130-9. Limitation on Use of Public Sewers**

The use of the Hamlet Sewer District sewage works shall be strictly limited and restricted to receive and accept the discharge of domestic sewage, generated on or discharged from real property within the bounds of the Hamlet Sewer District, and the Carmel Central Schools as an out of district user.

#### **§130-10. Inflow/Infiltration Prohibited**

No person shall discharge or cause to be discharged any stormwater, groundwater, cooling water, unpolluted industrial waters or other sources of inflow to the Hamlet Sewer District sewage works. Such prohibited connections include, but are not limited to, curtain drains, roof drains, footing drains, cellar drains, sump pumps, catch basins or swimming pool drains.

#### **§130-11. Trucked or Hauled Waste**

The discharge of trucked or hauled wastes into the Hamlet Sewer District sewage works is expressly prohibited without the written consent of the Town Board of the Town of Patterson.

### **ARTICLE IV New Sewers or Sewer Extensions**

#### **§130-12. Proper Design**

New sanitary sewers and all extensions or repairs to sanitary sewers owned and operated by the Hamlet Sewer District, or any connections thereto, 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 any applicable regulatory authority. Plans and specifications shall be submitted to, and written approval shall be obtained from the Town Board of the Town of Patterson, the Putnam County Health Department, the NYC DEP and the NYSDEC, before initiating any construction.

### **§130-13. Interior Clean-Out**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall, the costs of which shall be borne by the property owner. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout diameter shall be no less than the building lateral diameter.

### **§130-14. Grease, Oil, and Sand Interceptors**

A. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Town Engineer, 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 Town Engineer 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.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. they shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

## **ARTICLE V Discharge Restrictions**

### **§130-15. 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 or sewage works. These general prohibitions apply to all such users of a POTW. Without

limiting the generality of the foregoing, a user may not contribute the following substances to the POTW or sewage works:

(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, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town, 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 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.

(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 ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable 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 degrees C (104 degrees F). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.
- (10) Unusual flow rate or concentration of wastes, constituting slugs.
- (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 degrees Fahrenheit or 60 degrees Centigrade 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.

### **§130-16. Rejection of Wastewater**

The Town Board of the Town of Patterson, may reject a User's wastewater, on recommendation of the Town Engineer, 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.

### **§130-17. Non-Residential Notification**

A. As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each non-residential user shall be required to file a report with the Patterson Planning Department concerning their individual discharges to the POTW, or any changes thereto. The Report shall contain at a minimum shall contain the following information:

- (1) Property Owner, address and phone number
- (2) Applicants Name, address and phone number

- (3) Address of Location
- (4) Tax Map Identification Number
- (5) Anticipated flows
- (6) Type and quantity of any substance which will be discharged to the sewage works which exceed the typical characteristics of normal domestic sewage.

### **§130-18. Vandalism, Tampering or Damage**

A. 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:

- (1) any structure, appurtenance, or equipment which is a part of the Hamlet Sewer District sewage works, or
- (2) any measuring, sampling, and/or testing device or mechanism installed at the direction of the Town Board or pursuant to any permit or requirement or any regulatory authority.

## ARTICLE VI **Enforcement And Penalties**

### **§130-19. Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations, any individual acting on behalf of the Town (hereinafter the Agent) 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 Agent and the loss of or damage to the Agent's supplies and/or equipment; and the Agent 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 Agent or for loss of or damage to the Agents'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.

### **§130-20. Notification of Violation**

Whenever any person has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Codes Enforcement Officer may serve upon such person a written notice stating the nature of the violation. Within ten

(10) calendar days of the date the Codes Enforcement Officer mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Codes Enforcement Officer and the Town Engineer, by the individual, corporation or user to which the violation was issued. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the individual, corporation or user of liability for any violations caused by the individual, corporation or user before or after receipt of the Notice of Violation.

**§130-21. Penalties for offenses.**

Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof or 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 Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

**§130-22. Additional Injunctive Relief**

Whenever any individual, corporation or user has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Town Board of the Town of Patterson, through counsel may petition the Court 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 or permit.

**§130-23. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

**§130-24. Effective Date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State.