

Chapter 118

SEWERS

[HISTORY: Adopted by the Board of Trustees of the Village of Philmont as indicated in part histories. Amendments noted where applicable.]

Part 1 Sewer Use

[Adopted 9-10-1979 by L.L. No. 3-1979]

ARTICLE I Definitions

§ 118-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part 1 shall be as follows:

ACT — The Federal Water Pollution Control Act, as amended.

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

CONTAMINATION — An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

ENGINEER — The professional engineer retained by the municipality.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MUNICIPALITY — The Village of Philmont, Columbia County, New York.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or NYSDEC — The New York State Department of Environmental Conservation or a duly authorized official of said Department.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.

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, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PROPERTY LINE — Curbline if the building sewer is to connect with the public sewer located in a public street. "Property line" shall mean the edge of a sewer right-of-way at such times where the building sewer connects to the public sewer located in a right-of-way. "Property line" shall mean the edge of the street right-of-way at such times where the building sewer connects to a public sewer located off the paved portion of the street.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292). Treatment works shall include any sewers that convey wastewater to the POTW but shall not include pipes, sewers or other conveyances not connected to a facility providing treatment.

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

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for

treating sewage.

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

SEWER — A pipe or conduit used for carrying sewage.

SHALL — Is mandatory; "may" is permissive.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — Superintendent of the municipal sewer system, or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY or USEPA — The United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of said Agency.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

WATER POLLUTION CONTROL PLANT — Any arrangement of devices and structures used for treating sewage.

ARTICLE II

Use of Public Sewers Required

§ 118-2. Unsanitary deposit of waste prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage or other objectionable waste.

§ 118-3. Discharge of untreated waste prohibited.

It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction of the municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 1.

§ 118-4. Privies, septic tanks and other wastewater disposal devices.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy

vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 118-5. Connection to public sewers required.

- A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the municipality and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 1, within 60 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line. Said owner shall also be required to keep said pipes and connections to the public sewer in proper operating condition, and to make necessary repairs to said pipeline within 48 hours after official notice of any defect, leak, stoppage or other malfunction.
- B. Whenever an owner fails to connect his premises to the public sewer as required by this Part 1, the municipality, by resolution, shall authorize the work to be done to cure such failure, and pay the cost thereof out of the sewer fund. The municipality shall be reimbursed for the cost of such work by assessment and levy upon the premises whereon the work was performed, and the cost so assessed shall be a lien on the premises on which it was levied until paid or otherwise satisfied, and after a period of 30 days there shall be added to such cost a penalty of 10% compounded monthly, until paid or otherwise satisfied. [Added 8-14-1980 by L.L. No. 3-1980]

ARTICLE III
Private Sewage Disposal

§ 118-6. Private systems permitted.

Where a public sanitary sewer is not available under the provisions of Article II, § 118-5, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the State of New York Department of Health and under the control and direction of the local County Health Office having jurisdiction, and complying also with the requirements of any other regulatory or governing body having jurisdiction to impose such requirements.

§ 118-7. Connection to public sewer upon availability.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§ 118-8. Inspections.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

§ 118-9. Type, location and layout of system.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. Such subsurface disposal facilities shall meet all applicable state and federal regulations.

§ 118-10. Operation and maintenance by owner.

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

§ 118-11. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department of Public Health of the State of New York or any other regulatory or governing body having jurisdiction to impose such requirements.

ARTICLE IV
Building Sewers and Connections

§ 118-12. Permit required.

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.

§ 118-13. Connection permit.

Persons desirous of connecting to public sewers shall make application on a special form to be supplied by the Superintendent. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee, as hereinafter established by resolution of the Municipal Governing Body, shall be paid at the time application is filed.

§ 118-14. Costs to be borne by owner.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the municipality for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 118-15. Separate sewer for each building; exception.

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

§ 118-16. Existing building sewers; conditions for use.

Old building sewers may be used in connection with new buildings only when found, on examination and test by the Superintendent, to meet all requirements of this Part 1.

§ 118-17. Rules and regulations governing construction.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

§ 118-18. Elevation required for building sewer.

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

§ 118-19. Certain connections prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 118-20. Standards and requirements for connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 118-21. Inspection; connection supervised by Superintendent.

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

§ 118-22. Classes of building sewer permits.

- A. There shall be two classes of building sewer permits:
- (1) For residential and commercial service and
 - (2) For service to establishments producing industrial wastes.

- B. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as set forth in a fee schedule established and amended as necessary by resolution of the Village Board of Trustees for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Village at the time the application is filed.¹

§ 118-23. Guarding of excavations; restoration of property.

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

ARTICLE V
Use of the Public Sewers

§ 118-24. Prohibited discharge to sanitary sewer.

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

§ 118-25. Discharge of stormwater, unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

§ 118-26. Prohibitions on wastewater discharges.

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

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the municipal sewage treatment plant or to exceed the limitation set forth in a Categorical Pretreatment Standard. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage and include but are not limited to any pollutant identified pursuant to Section 307 (a) of the Act. If concentrations listed are exceeded, individual establishments will be subject to control in volume and

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

concentration by the Superintendent.

Limits of Toxic Substances in Sewage

Parameter	Effluent Concentration Limits (mg/l) 30-Day Average
Cadmium	0.4
Hex. Chromium	0.2
Total Chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available Chlorine	50.0
Cyanide-free	0.4
Cyanide-complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides:	
To fresh water	6.0 (4.0 if municipal water supply becomes fluoridated.)
Phenol	4.0

- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Any substance which may cause the POTW's effluent or any other product of the POTW

such as residues, sludges, or scums, to be suitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

§ 118-27. Limitations on wastewater discharges.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.), but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40° C. (104° F.) unless the POTW treatment plant is designed to accommodate such temperature.
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent. Garbage grinders shall not be used for disposal of plastic, paper products, inert materials or garden refuse, and wastes generated in preparation of food not normally consumed on the premises.
- D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that such wastes exceed the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- K. Any noxious or malodorous liquids, gases or solids which singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

§ 118-28. Discharge of hazardous substances.

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 118-27, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 118-33.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

§ 118-29. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive

amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspections.

§ 118-30. Preliminary treatment or flow-equalizing facilities.

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

§ 118-31. Installation of control manhole.

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

§ 118-32. Sampling.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Part 1 shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

§ 118-33. Arrangements for special terms and conditions.

Special agreements and arrangements between the municipality and any persons or agencies may be established when in the opinion of the municipality unusual or extraordinary circumstances compel special terms and conditions.

§ 118-34. Significant industrial users.

A significant industrial user, which is an industrial user of the publicly owned treatment works that: has a flow of 25,000 gallons or more per average workday; has a flow greater than 5% of the flow carried by the municipal system receiving the waste; has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; or is found by the

permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works, must comply with federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Act, and any more stringent pretreatment standards necessitated by local conditions.

§ 118-35. Authorization required for industrial users.

Industrial users must obtain written authorization from the Superintendent for the disposal of their wastes into the system with periodic renewal of this authorization as directed by the Superintendent.

- A. The maximum period for such authorization shall be two years, subject to written renewals, with each renewal having a maximum period of two years.
- B. Any such authorization, or renewal thereof, is subject to withdrawal, modification or change by the municipality should the municipality deem same in the public interest. Before a withdrawal, modification or change is effected, the industrial user shall be given notice thereof with an opportunity to be heard.
- C. No authorization shall be assigned, transferred or sold, or used at premises or in an operation or process different from that for which same was issued.
- D. Industrial users shall apply for a new written authorization if the operation or process for which same was issued is changed so that wastewater characteristics or flow is altered.

§ 118-36. Information required from industrial users.

Industrial users must, in order to obtain authorization to discharge industrial wastes into the system, provide information describing wastewater, including, but not limited to, volume, constituents and characteristics of wastewater; flow rates; each product produced by type, amount and rate of production; and description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged.

§ 118-37. Disposal of pollutants prohibited.

The disposal into the sewer system of any pollutant by any person is unlawful except in compliance with the Act, and other applicable laws, rules and regulations.

ARTICLE VI
Protection from Damage

§ 118-38. Tampering with sewage works equipment.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII
Powers and Authority of Inspectors

§ 118-39. Access to properties.

The Superintendent, duly authorized employees of the United States Environmental Protection Agency, New York State Department of Environmental Conservation, and municipality bearing proper credentials and identification shall have ready access to all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 1. The Superintendent, USEPA, NYSDEC or municipal representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The municipality shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The municipality may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by the municipality's wastewater discharge ordinances and sample any effluents which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the municipality will be permitted to enter without delay.

§ 118-40. Indemnification of property owner.

While performing the necessary work on private properties referred to in Article VII, § 118-39, above, the Superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the private property owner, and the private property owner shall be held harmless for injury or death to the municipal employees and the municipality shall indemnify the private property owner against loss or damage to his property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the private property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the private property owner to maintain safe conditions as required in Article V, § 118-31.

§ 118-41. Easements.

The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII
Notification Requirements; Compliance with Standards

§ 118-42. Notification of accidental discharge.

Users shall notify the municipality immediately upon accidentally discharging wastes in

violation of this Part 1. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the municipality under applicable state and federal laws and regulations.

§ 118-43. Municipality authorized to establish more stringent requirements when necessary.

The municipality reserves the right to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this Part 1.

§ 118-44. Compliance with industry standards.

When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC time table for adherence to federal or state pretreatment requirements, and other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the Act. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the municipality.²

§ 118-45. Entry points for deleterious wastes.

Any direct or indirect connection or entry point for deleterious wastes to an industrial user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the industrial user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Part 1.

§ 118-46. Posting notification requirements.

A notice shall be furnished and permanently posted on industrial users' bulletin boards advising employees whom to call in case of an accidental discharge in violation of this Part 1.

§ 118-47. Dilution of discharge in place of treatment prohibited.

No industrial user shall ever increase the use of process waters, in any way, to attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the municipality or state.

**ARTICLE IX
Violations and Penalties**

§ 118-48. Written notice of violation.

Any person found to be violating any provision of this Part 1, except Article VI, shall be served

2. Editor's Note: Former Art. VIII, § 4 was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

by the municipality with written notice stating nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 118-49. Penalties for offenses. ³

Any person who shall continue any violation beyond the time limit provided for in Article IX, § 118-48, shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine in an amount not exceeding \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 118-50. Liability for loss, damage or expenses.

Any person violating any of the provisions of this Part 1 shall become liable to the municipality for any expense, loss or damage occasioned the municipality by reason of such violation.

§ 118-51. Cease and desist orders.

The municipality is authorized to issue cease and desist orders and direct those persons not complying with this Part 1 or a wastewater discharge permit to:

- A. Comply forthwith;
- B. Comply in accordance with a time schedule set by the municipality; or
- C. Take appropriate remedial or preventive action.

§ 118-52. Revocation of permits; termination of service.

The municipality may revoke any wastewater discharge permit or terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this Part 1 is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution, as defined in this Part 1.

§ 118-53. Penalty for false statements or inaccurate monitoring. ⁴

Any person who knowingly makes any false statement, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part 1, shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine in an amount not exceeding \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

ARTICLE X
Extension of System

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 118-54. Extension upon recommendation of Superintendent.

The sewer system of the municipality may be extended and improved within the geographical limits of said municipality upon recommendation of the Superintendent, and after duly enacted approval by the Municipal Governing Body.

**Part 2
Sewer User Charges**

[Adopted 6-1-1982 by L.L. No. 1-1982]

**ARTICLE XI
User Charges**

§ 118-55. Declaration of policy.

In order to pay for the cost of the operation, maintenance and repair of the sewer system hereinafter defined, and the interest on and amortization of, or payment of, indebtedness for said sewer system, it is the policy of the Village of Philmont to establish and impose a sewer user charge in conformance with federal and state laws and regulations, including Appendix B to Subpart E to 40 CFR Part 35, and Article 14-F of the General Municipal Law of the State of New York.

§ 118-56. Definitions.

As used in this Part 2, the following terms shall have the meanings indicated:

COMMERCIAL BUILDING — A structure not defined as a "living unit."

LIVING UNIT — An area, comprising all or part of a house or apartment house, containing separate cooking and toilet facilities and an area for sleeping.

SEWER SYSTEM — The Village sewage collection system and treatment works with all appurtenances.

SEWER USER CHARGE or **USER CHARGE** — The charge imposed by the Village for payment of the cost of the operation, maintenance and repair of the sewer system, and the interest on and amortization of, or payment of, indebtedness for the sewer system.

VILLAGE — The Village of Philmont.

§ 118-57. Calculation of user charge.

A. The annual sewer user charges of the Village shall be:

Gallons of Metered Water	Annual Sewer User Charge
0 - 149,000	4.8 times water rate, with a minimum of \$58 per quarter per living unit or per commercial building
150,000 - 199,000	5.6 times water rate

200,000 - 249,000	6.1 times water rate
250,000 - 499,000	6.6 times water rate
500,000 - 749,000	7.2 times water rate
More than 750,000	8.0 times water rate

- B. In adjusting any estimated sewer billings in accordance with § 118-59, below, a required sewer user who was without a functioning water meter during any part of a billing period shall pay for such period the average of the adjusted billings for the two preceding billing periods in which the user charge was based on a functioning water meter, multiplied by 1.5 or, in the event that there are no such two preceding billing periods, the sewer user charge shall be \$100 per living unit, except for commercial buildings where sewer user charge shall be \$500.
- C. The Village shall review user charges quarterly and revise same as needed to offset the cost of the operation, maintenance and repair of the sewer system, and the interest on and amortization of, or payment of, indebtedness for the sewer system, as well as to take into consideration any other factors, including, but not limited to, changes in strength, volume and delivery flow rate characteristics, needed to insure a proportional distribution of costs to each user.
- D. Should any person claim that a living unit is closed permanently, such person, within 10 days of the effective date of this Part 2, shall submit to the Village a written statement that the premises is not occupied.

§ 118-58. Administration.

- A. Sewer user charges shall be due and payable at the Village office on July 1, October 1, January 1 and April 1.
- B. Bills for sewer user charges may be estimated and shall be mailed to users on or about the aforesaid due dates, and payment will be due when presented. After a period of 30 days from the due date there shall be added to the amount due a penalty of 2% per month, compounded monthly, until paid or otherwise satisfied.
- C. All revenues derived from sewer user charges, including penalties thereon, shall be credited to a sewer rent fund in accordance with § 453 of the General Municipal Law.

§ 118-59. Adjustments.

As soon as practicable after the end of each calendar year, the Village shall adjust the sewer user charge based on the actual metered water consumption and make such adjustments on the bills for the next billing period.