

Chapter 115
SEWER REGULATIONS

GENERAL REFERENCES

BE IT ENACTED BY THE TOWN OF MOREAU AS FOLLOWS:**ARTICLE I
Legislative Intent and Severability****§ 115-1. Quality.**

The quality of Moreau's groundwater equality is fundamental to the quality of life in the Town. It is the intent of the Town of Moreau to provide sewer works which are of the highest quality using the highest possible construction methods, operation and maintenance and materials for construction, in order to protect its groundwater resources.

§ 115-2. Impacts.

It shall be the intent of the Town of Moreau to continually consider and assess all the immediate and future impacts on the well-being of our Town of all actions taken with regard to expanding, upgrading and permitting sewer works.

§ 115-3. Planning.

It shall be the intent of the Town that approval of any new sewer works must include, in addition to any and all other regulatory requirements, an acceptable Engineering assessment of how that system could be integrated into a future Town-wide system.

§ 115-4. Construction.

It shall be the intent of the Town to require that all new sewer works shall be constructed in such a way and of such materials that they meet the applicable standards as set forth in § 115-7 and that there is as much standardization in the systems as is practicable. All construction and installation of the infrastructure must comply with the standards and regulations issued by Saratoga County Sewer District #1 or the Town of Moreau as applicable.

§ 115-5. Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter, which can be given effect without such invalid part or parts.

ARTICLE II
Applicable Standards and Definitions

§ 115-6. References to standards.

When reference is made to incorporate any statutes, codes, specifications, standards or manuals of practice, said reference shall be to the latest additions and revisions thereof.

§ 115-7. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents.

- A. Recommended Standards for Wastewater Facilities, Great Lakes — Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.
- B. Rural Sewage Disposal, New York State Department of Health.
- C. Articles II and IX, Saratoga County Code.
- D. Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, New York State Department of Environmental Conservation.
- E. Standard Methods for the Examination of Water and Sewage, Published by the American Public Health Association.
- F. Saratoga County Sewer District #1 standards and regulations

§ 115-8. Definitions of terms; word usage.

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

APPLICANT — Any individual, firm, company, association, builder, society, person, group or municipality having title to real property or in contract to purchase real property, located within the Town of Moreau or any of the above having title contiguous thereto and applying for a permit or currently connected to the sewer system in the Town of Moreau

APPURTENANCE — Accessories and equipment used in the sewer works.

ASTM — The American Society for Testing and Materials.

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 by weight.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives storm and surface water drainage, but excludes sewage and

polluted industrial wastes inside the walls of the structure.

BUSINESS — Any activity conducted for profit as well as non-profit businesses, whether or not it is open to the public.

CAPITAL COSTS — Those annual fixed costs which the Town must pay to reduce indebtedness bonded or otherwise, which include, but are not limited to, land acquisition, required reserves for repairs, replacements, depreciation, or improvements to the infrastructure of the system and any other cost which is fixed, recurring and which does not include operation and maintenance expenses.

COMMERCIAL SERVICE — Any service from nonresidential buildings from which the wastes are not predominately industrial.

DEPARTMENT — A department or departments which the Town Board shall designate to oversee sewer works.

DISTRICT — Any regularly established sewer district governed by the Town of Moreau, New York.

DISTRICT BOUNDARIES — The physical boundaries of districts or improvements as currently established or as may be extended or newly formed from time to time as duly enacted by law.

ENGINEER — The professional Engineer retained in connection with the sewage works or the Town Engineer, as designated by the Town Board.

GARBAGE — Solid wastes from dye preparation, cooking and dispensing of food and from the handling, storage and sale of produce; also the wastes from the preparation, cooking and dispensing of food which has been shredded to such 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 in any dimension.

GPD – Gallons per day

INDUSTRIAL SERVICE — Any service from which the wastes are predominantly industrial.

INDUSTRIAL WASTES — Any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources, which may cause or might be reasonably expected to cause pollution of the waters in the state in contravention of the standards adopted as provided herein.

LARGE DEVELOPMENT – Any development that is projected to discharge 1,000 gpd or more.

METERED USAGE -The amount of water passing through the water meter.

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

OPERATION AND MAINTENANCE COSTS — Variable expenses annually incurred by the Town for the maintenance of the waterworks system, which shall

be computed yearly by the Town Board. Operation and maintenance costs include, but are not limited to, salaries, the cost of supplies, repairs, equipment, utilities, etc.

OWNER – Landowner of record

PERMIT — A license issued by the Town, allowing and/or authorizing work to be done under this chapter by any plumber, contractor or excavator, builder, developer, applicant or any other person, firm or corporation.

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

PRETREATMENT — The reduction in the amount of pollution in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollution into a publicly owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as provided by EPA Regulations (40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution, Part 400 et seq.).

PRETREATMENT COORDINATOR – The Department or its designee responsible for coordinating review, approval and enforcement of pretreatment practices with receiving POTW(s).

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 ½ inch in any dimension.

PROPERTY LINE —

- (1) The edge of a sewer right-of-way in those instances where the service line connects to the public sewer not located in a street right-of-way; and
- (2) The applicant's property line in those instances where the service line connects to a public sewer located in the street right-of-way.

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

PUBLICLY OWNED TREATMENT WORKS (POTW) – All facilities for collecting, pumping treating and disposing of sewage which is owned by a municipality, a state, an intermunicipal or interstate agency, or any department, agency, or instrumentality of the federal government.

RESIDENTIAL SERVICE — Any service from which the wastes are of a domestic nature only.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SERVICE LINE — That portion of pipe located between the public sewer and a structure.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, excluding such ground, surface and storm waters as may be present.

SEWERAGE WORKS —All facilities for collecting, pumping, treating and disposing of sewage. See also Publicly Owned Treatment Works.

SEWER — A pipe or conduit for carrying sewage.

SEWER RATES AND CHARGES — The cost chargeable to each property and user for capital and operation and maintenance costs.

SIGNIFICANT INDUSTRIAL USER – Any industrial sewer user that:

- A. Is subject to categorical pretreatment standards;
- B. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- C. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the receiving POTW treatment plant;
- D. Is designated as such by the Department, POTW, or other jurisdictional Agency on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUG LOADING – Discharges of a non-routine, episodic nature, including, but not limited to, an accident spill or non-customary batch discharge.

SPDES — Denotes the State Pollutant Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the state.

STORM SEWER or STORM DRAIN — A sewer which carries storm and surface water drainage but excludes sewage and polluted industrial wastes.

STUDIO APARTMENT — A dwelling area within another structure which contains cooking, sanitary facilities and an area for sleeping and consisting of no more than two rooms, excluding bathrooms and closets.

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.

TOWN — The Town of Moreau, Saratoga County, New York.

TOWN BOARD — The duly elected Town Board of the Town of Moreau or its

authorized agent or representative.

UNIT—The lowest single measure of consumption which is attributable to any applicant in the district as described on the rate schedule and set by resolution of the Town Board from time to time.

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.

- B. Word usage. "Shall" is mandatory, "may" is permissive.

ARTICLE III
Use of Public Sewers

§ 115-9. Ownership.

All district sewers and sewerage works shall be owned by the Town.

§ 115-10. Discharge to natural outlets; use of separate storm and sanitary sewers.

It shall be unlawful to discharge to any natural outlet, either directly or through any storm sewer, within the Town or in any area under the jurisdiction of the Town, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. Use of separate storm sewers and sanitary sewers is mandatory where such facilities now exist.

§ 115-11. Use of private sewage disposal system restricted.

Within the limits of the district Town, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except in such cases as the New York State Department of Health finds that it is physically impossible or would work an undue hardship upon the applicant or applicants of the property in question to establish a connection to a sewer main; and in the event that the New York State Department of Health finds it physically impossible or that it would work an undue hardship, said New York State Department of Health may grant a permit for such facilities. The property owner shall remain responsible for all applicable sewer charges as required by this Chapter.

§ 115-12. Prohibited discharge.

It shall be unlawful for any person to discharge any material into the sanitary sewer collection system within the Town of Moreau or in any area under the jurisdiction of the Town through a non-permitted entry point.

ARTICLE IV
Private Sewage Disposal System

§ 115-13. Compliance with standards.

Where a public sanitary sewer is not available, the service line shall be connected to a private sewage disposal system complying with provisions established by the New York State Department of Health.

§ 115-14. Maintenance.

The applicant shall operate and maintain such private disposal system in a sanitary manner at all times. Should conditions develop that render the system inoperative or unsanitary as determined by the Department, cleaning, repairing or replacing of the system will be required at the applicant's expense and as prescribed by the Department and the New York State Department of Health.

§ 115-15. Construal of provisions.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the State of New York, the New York State Department of Health and other applicable rules and regulations.

§ 115-16. Permit required.

Before any person commences construction of a private sewage disposal system, they shall first obtain a written permit signed by the Department. The application for such permit shall be made on a form furnished by the Town, on which the applicant shall include plans, specifications and other information as are deemed necessary by the Department.

§ 115-17. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the New York State Department of Health and the Department. Both the New York State Department of Health and the Department shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the New York State Department of Health and the Department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the New York State Department of Health.

ARTICLE V
Service Lines and Connections

§ 115-18. Permit required.

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

§ 115-19. Separate service lines required.

Separate and independent service lines shall be provided for every building unless otherwise required or approved by the Department.

§115-20. Use of old service lines.

Existing service lines may be used in connection with new applicants only when they are found, on examination and tested by the Department, to meet all requirements of this chapter. This examination may require exposing of the old line by excavation, video inspection of the lateral or other methods which will be furnished and paid for by the applicant.

§ 115-21. Service line specifications.

- A. Gravity service lines shall be PVC SDR26, pressure service lines shall be HDPE DR11, or other suitable material approved by the Department. Joints shall be tight and waterproof. If installed in filled or unstable ground, the service line foundation shall be Engineered such that it will support the service line such that it will not settle or leak. Such foundations shall be prepared by a professional Engineer or licensed Architect and must be approved by the Department.
- B. The size and slope of the service line shall be subject to the approval of the Department, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than 1/4 inch per foot. The slope of a six-inch pipe shall be not less than 1/8 inch per foot.
- C. Whenever possible, the service line shall be brought to the structure at an elevation below the basement floor. No service line shall be laid parallel to and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The service line shall be laid at uniform grade and in straight alignment. Changes in direction shall be made only with proper fittings and with approval of the Department. Accessible cleanouts may be required by the Department in cases of alignment changes or long runs of pipe.
- D. For applicants in which any service line is too low to permit gravity flow to the public sewer, sanitary sewage carried by such service line shall be lifted by approved mechanical means and discharged to the service line. The mechanical means shall be owned and maintained by the applicant, meet all applicable specifications and be approved by the Department.
- E. The service lines shall also comply with rules and regulations of Saratoga County Sewer District #1.

§ 115-22. Prohibited connections.

Connection of roof downspouts, foundation drains, cellar drains, areaway drains, building drains or other sources of surface runoff or groundwater to a service line or drain which in turn is connected directly or indirectly to a public sewer are not and shall not be permitted.

§ 115-23. Excavation requirements.

All excavations required for the installation of a service line shall be open trench work unless otherwise approved by the Department and in full accordance with applicable codes, except that no backfill shall be placed until the work has been inspected and approved by the Department.

§ 115-24. Joints.

- A. All joints and connections shall be made gastight and watertight in accordance with the applicable specifications.

§ 115-25. Connection to service line.

- A. The connection of the service line into an existing public sewer shall be made at the property line, or, if a service line connection has not previously been provided, the service line will be connected to the existing public sewer. The cost of constructing and maintaining the service line from the public sewer to the property line will be at the district's expense. The cost of constructing and maintaining the service line from the property line to the structure will be at the applicant's expense. All costs and expense incidental to the installation, connection and maintenance of the service line, either new or existing, shall be borne by the applicant. The applicant shall indemnify the district and the Town from any loss or damage that may, directly or indirectly, be occasioned by the installation of the service line. The method of connection of the service line to the public sewer will be dependent upon the type of sewer material used, and in all cases shall be approved by the Department.
- B. All tapping into the public sewer mains shall be performed by or under the supervision of the Department. No tapping shall be done after November 1 or before April 1 unless weather permits, at the discretion of the Department.
- C. No additions or alterations whatsoever, in or about public sewer mains or service lines, shall be made by any person until application therefor has been made to the Department and written permission is given.
- D. The fee for standard tapping shall be such sum as may be determined from time to time by resolution of the Town Board and must be paid before a permit will be issued. All tapping shall be performed by an employee of the Town or by such other person or entity as the Town Board may designate. The Department reserves the right to consider whether standard tapping is appropriate or estimate costs that will become due for non-standard tapping.

§ 115-26. Supervision and inspection of connections and trenches.

- A. The applicant for the service line permit shall notify the Department when the service line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Department.
- B. When trenches are opened for the laying of service line pipes, such trenches shall be inspected by the Department before the trenches are filled, and the applicant performing such work shall notify the Department when the laying of service line is completed.

- C. "As-built" drawings shall be provided to the Department by the applicant within 30 days of completion of the project.

§ 115-27. Permit required prior to excavation.

Prior to any excavation for service line installation, a permit for such excavation shall be obtained from the Department.

§115-28. Transfer of property

As the Town cannot reasonably be expected to monitor all changes in the ownership or use of properties served by Town Sewer, it shall be the duty of any property owner, or any other Town sewer user, to give the Town at least 30 days written advance notice of any change in ownership or use. The current property owner will be liable for all current and overdue sewer charges. Any unpaid sewer charges shall become a lien on the property.

§ 115-29. Service line traps.

Service line traps shall only be installed if conditions require as determined by a Professional Engineer and if permitted by the Department.

§ 115-30. Fresh-air inlets.

Every sanitary service line equipped with a trap, sewage sump, ejector, receiving tank, oil separator or similar equipment shall be provided with a fresh-air inlet pipe connected to the service line immediately upstream from and within four feet of such trap or equipment. The fresh-air inlet pipe shall be extended to the outer air and shall be terminated in an open end at least six inches above grade. The open end shall be protected by a perforated metal plate permanently fixed in the mouth of the inlet. A return bend with its protected open end at least six inches above grade shall be installed within the property line in an approved location, when the trap is located outside the structure. The size of the fresh-air inlet pipe shall be at least 1/2 of the diameter of the service line at the point of connection, but not less than three inches.

§ 115-31. Backwater valves.

In areas where sanitary sewers drain to a wastewater pumping station, an approved backwater valve shall be installed, at the applicant's expense, in all structures subject to flooding during a failure of the pumping facilities. The location of said backwater valve shall be shown by the applicant's design professional and as approved by the Department.

§115-32. Pump Station Capacity.

Unless directed otherwise in writing by the Department, privately owned sewage pump stations or low pressure grinder pump stations with a backup power supply shall have a wet well storage capacity of not less than the flow generated from one (1) peak hour. Low pressure grinder pump stations without a backup power supply shall have a minimum wet well size of seventy (70) gallons per EDU.

§ 115-33. Public safety.

Whenever any street or public grounds shall be opened for the purpose of making a connection with the mains or for the laying of sewer lines or fixtures, public safety and convenience shall be duly regarded, and the street or public place shall be restored to its original condition as soon as possible, and all work must conform to the safety requirements as set forth by the State of New York and OSHA. The applicant must obtain all required permits from any other agencies having jurisdiction and provide a copy to the Department. Such permits shall be displayed as required by each agency.

§115-34. Low Pressure Sewer System (LPSS) Maintenance, Repair, Replacement, and Enforcement.

- a. Except as otherwise provided for herein, the District shall own and maintain the common low-pressure sewer forcemain and sewer laterals up to and including the service valve boxes serving any property with a LPSS authorized under this article.
- b. property owner shall be responsible for all costs associated with the operation, repair, maintenance, and replacement of LPSS components beyond the service valve box serving any property.
- c. If the Department determines that LPSS components require repair or replacement to protect public health and safety, the Town shall issue written notice requiring the property owner to complete repairs or replacement to avoid completion of work by the Town at the property owner's expense.
- d. Upon reasonable notice, the Town shall complete any repair or replacement deemed necessary by the Department at the property owner's expense.
- e. Any expense or penalty shall constitute a lien upon the subject property and shall draw interest equal to interest on delinquent taxes, and may be collected in the same manner as delinquent taxes.

ARTICLE VI
Sewer Extensions

§ 115-35. General design standards.

All sanitary extensions to the sanitary sewerage system owned and maintained by the Town and/or district shall be properly designed in accordance with the latest version of the Recommended Standards for Wastewater Facilities, as adopted by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers and in strict conformance with all requirements of the New York State Department of Environmental Conservation and Saratoga County Sewer District #1 Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Department, and the New York State Department of Environmental Conservation before construction may proceed. If required, treatment approval by the City of Glens Falls and Saratoga County Sewer District No. 1 shall also be obtained before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or development.

§ 115-36. Construction under public contract.

Sewer extensions, including individual service lines to the property line, may be constructed by the Town and/or district under public contract if, in its opinion, the number of properties to be served by such extension warrants the cost.

§ 115-37. Construction by applicant.

If the Town does not elect to construct a sewer extension under public contract, the applicant may construct the necessary sewer extension if the extension is approved by the Town Board in accordance with the requirements of this chapter and the New York Town Law. The applicant must pay for the entire installation, including all expenses incidental thereto, and shall provide a Performance Bond and Labor and Material Payment Bond. Each extension must be installed and inspected as previously required, and the plan review and inspection fees shall be paid by the applicant to the Town. The installation of the sewer extension must be subject to inspection by the Department, Town Designated Engineer or Town Authorized Representative, and the expense for this inspection shall be paid for by the applicant. The Department's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass all required testing before any service line is connected thereto. The entire cost of the sewer extension, including inspection, shall be absorbed by the applicant.

§ 115-38. Acceptance of extension by district; guarantee.

All sewer extensions constructed at the applicant's expense, after final approval by the Department and acceptance by the Town Board, shall become the property of the district and shall thereafter be maintained by the district. Said sewer extensions, after their acceptance by the district, shall be guaranteed for one year by the applicant. The guarantee shall be in the form of the performance Bond obtained by the applicant for the benefit of the Town. The performance bond shall cover all costs and obligations of the applicant to perform such guarantee work that may be required

until certification by the Town Designated Engineer that all work is in compliance with the approval.

§ 115-39. Acceptable waste disposal system required prior to issuance of building permit or certificate of occupancy.

No applicant shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town unless a suitable and approved method of waste disposal is proposed. All new housing or building developments within a district shall be provided with an approved system of sanitary sewers. No occupancy permit shall be issued until the waste disposal system has been completed and inspected by the Department and "As-built" drawings provided to the Department by the applicant.

ARTICLE VII
Use Restrictions for Public Sewers

§ 115-40. Discharge of unpolluted waters to public sewers prohibited.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Any discharge must be in compliance with the standards and regulations of the Saratoga County Sewer District #1 and/or the City of Glens Falls as applicable.

§ 115-41. Discharge of unpolluted waters to storm sewers or natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Department and/or other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Department and/or other regulatory agencies, to a storm sewer or natural outlet.

§ 115-42. Discharge restrictions.

In addition to Town discharge restrictions, there are also discharge restrictions that may be imposed by the receiving treatment plant facilities. Copies of the specific restrictions for the individual treatment facilities are on file at the Department.

§ 115-43. Other prohibited discharges.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- B. Any waters or wastes which contain fats, wax, grease or oil, and any other substance that will solidify or become discernibly viscous at temperatures below 150° F.
- C. Any waters or wastes containing fats, whey, grease or oils, whether emulsified or not, exceeding an average concentration of 50 milligrams per liter (417 pounds per million gallons) or other soluble matter.
- D. Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas which by reason of their nature or quantity are or may be sufficient, either alone or in combination with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW or the public in general.
- E. Any noxious or malodorous gas, such as hydrogen sulfide, sulfur dioxide or nitrous oxide, or other substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.

- F. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Department.
- G. Any water containing deleterious materials including but not limited to glass, metal, plastic, abrasives, sand, gravel, stone, mud, clay, coffee grinds, seafood shells, socks, rags, cloths, sanitary napkins or tampons, disposable or cloth diapers, kitty litter or other similar absorbent material, explosives, flammable materials, lubricating oils, grease, large amounts of cooking oil, strong chemicals, gasoline, diesel, personal wipes and other similar products irrespective of products marked "flushable", straw, shavings, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residue, paint residues, cannery waste, bulk solids or any other solid or viscous substance in quantities or of such size capable of causing obstruction to the flow of the sewers or other interference with the proper operation of the sewerage works.
- H. Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewerage works. Free acids and alkalines must be neutralized at all times to within permissible pH as identified in Schedule A.
- I. Any substance which may cause the POTW effluent or any other product of the POTW, such as residues, sludge or scums, to be unsuitable 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 discharged 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 development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.
- J. Any waters or wastes containing strong acid, iron, pickling wastes, pesticides, herbicides, paint, biologically toxic wastes or concentrated plating solutions, whether neutralized or not.
- K. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, which exceeds the limits set forth in Schedule A of this section. Discharge concentrations shall be determined from a twenty-four hour composite sample collected from the building service sewer at a point prior to connection to the POTW.
- L. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Department, Town, state or federal agencies 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.

- M. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Department in compliance with applicable state or federal regulations.
- N. 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 sewerage works effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- O. Water or wastes which exert or cause unusual volume of flow or concentration constituting slug loading, as defined herein.

§ 115-44. Grease, oil and sand interceptors.

- A. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Town Designated Engineer and/or Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and 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 Engineer and shall be so located as to be readily and easily accessible for cleaning and inspection. Under counter or indoor interceptors may be installed by the applicant but they shall only be ancillary to the minimum grease trap requirements.
- B. Grease and oil interceptors shall be a minimum of two thousand gallons comprised of two 1,000-gallon concrete traps in series. They will be watertight and equipped with easily removable covers, which, when bolted in place, shall be gastight and watertight.
- C. Where installed, all grease, oil and sand interceptors shall be purchased and maintained by the applicant, at the applicant's expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Department at any time.

§ 115-45. Certain discharges subject to review and approval; preliminary treatment required in certain circumstances.

The admission into the public sewers of any waters or wastes from significant industrial users or which may exceed the treatment capabilities or the treatment capacity as described in § 115-42 and § 115-43 shall be subject to the review and approval of the Engineer and the Department. Where necessary, in the opinion of the Department, Engineer, or receiving POTW(s), the applicant shall provide, at applicant's expense, such preliminary treatments as may be necessary to bring the discharge flow into compliance with this chapter. Plans, specifications and any other pertinent information such as slug loading prevention, and spill prevention plan relating to proposed preliminary treatment facilities shall be submitted for the approval of the Department, receiving POTW(s) and such other regulatory agencies that may have jurisdiction, and the construction of such facilities shall not commence until all said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Department will constitute a violation of this chapter.

§ 115-46. Maintenance of system.

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 applicant at his expense. Should conditions develop that render the system inoperative or unsanitary as determined by the Department, cleaning, repairing or replacing of the system will be required at the applicant's expense and as prescribed by the Engineer and the Department.

§ 115-47. Control manholes.

When required by the Department, any property served by a service line carrying industrial wastes shall install a suitable control manhole in the existing or proposed service line to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Department. The manhole shall be installed and maintained by and at the applicant's expense, so as to be safe and accessible at all times.

§ 115-48. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in § 115-42 and § 115-43 shall be determined, in accordance with 40 CFR-136, based upon suitable samples taken at control manhole provided for in § 115-47 or such other location as may be determined by the Department. All sampling and inspection costs shall be the responsibility of the property owner.

§ 115-49. Methods of analysis.

All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sewerage system, and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in 40 CFR 136. However, alternative methods for the analysis of industrial wastes may be used, subject to approval by the Department and POTW. The frequency and duration of the sampling of any industrial waste shall not be less than once a quarter for 24 hours. However, more frequent and longer periods may be required at the discretion of the Department.

§ 115-50. Notification of accidental discharge.

- A. An industrial applicant shall notify the Department and POTW(s) immediately upon accidentally discharging wastes in violation of this chapter. The notification should include the location, type, volume, and concentration of waste the waste discharged. This notification shall be followed, within 5 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 sewerage system, treatment plant or treatment process or for any fines imposed by the Town or any other governmental body having jurisdiction under applicable state and federal regulations.
- B. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter. Also, copies of this chapter are to be made available to the user's employees.

§ 115-51. Elimination of entry point for persistent or deleterious wastes.

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

§ 115-52. Conformance with pretreatment regulations.

When pretreatment regulations are adopted by the United States Environmental Protection Agency or New York State Department of Environmental Conservation

for any industry, then that industry must immediately conform to the United States Environmental Protection Agency or New York State Department of Environmental Conservation timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by the United States Environmental Protection Agency or New York State Department of Environmental Conservation. Additionally, such industries shall comply with any more stringent standards necessitated local conditions as determined by the Department.

§ 115-53. Establishment of more stringent limitations.

The Town reserves the right to establish by law, ordinance, regulation or policy more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in this chapter.

§ 115-54. Substitutes for adequate treatment restricted.

No applicant shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the Town or state unless authorized by state or federal regulations.

§ 115-55. Permit for industrial discharge.

- A. Any significant industrial user as defined in section §115-08 shall have a valid permit for the discharge of industrial wastes to the sewer. The user shall submit an industrial discharge permit application for approval by the Department and POTW(s).
- B. The permit for industrial discharge, upon approval by the Department and POTW(s), shall be valid for a period of three years. This permit may be extended every three years by the Department upon receiving application for continued discharge within 90 days of permit expiration.
- C. The permits terms and conditions may be subject to modification and change by the Department. The Department shall notify any applicant(s) of such modification or change in permit requirements by certified letter, which shall also state a time limit for compliance. The compliance time shall be a reasonable time period set by the Department to comply with the change or modifications.
- D. A permit shall not be reassigned or transferred or sold to a new applicant(s), new user, different premises or a new or changed operation, except in the case where a residential or commercial establishment changes applicant(s) and no change in discharge will occur.
- E. An industrial discharger shall apply for a permit modification if a change or proposed change in production or process affects any of the wastewater characteristics or flow characteristics.

§ 115-56. Enforcement of conditions of wastewater discharge permits.

The conditions of wastewater discharge permits shall be uniformly enforced by the Department and POTW(s) in accordance with this chapter and applicable municipal, county,

state and federal regulations. The permits shall be expressly subject to all provisions of this law and all other regulations, user charges and fees established by the Department and

applicable state, county and federal regulations.

§ 115-57. Specifications for monitoring programs.

Permits shall contain specifications and conditions for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

ARTICLE VIII
Protection From Damage

§ 115-58. Damaging or tampering with sewerage works.

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

§ 115-59. Certificate of insurance required.

An applicant must present a certificate of insurance showing liability and property damage insurance, in an amount approved by the Department, before a permit will be issued for construction of service lines, which require connection to the sewer. The Town shall be a named insured.

ARTICLE IX
Powers and Authority of Inspectors

§ 115-60. Right of access to properties.

The Department, the Engineer and other duly authorized employees of the Town and/ or district bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. The Department shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Department may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by the Town's wastewater discharge ordinance and sample any effluents which the applicant or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements so that upon presentation of suitable identification, personnel from the Department will be permitted to enter without delay.

§ 115-61. Right of access to easements.

The Department and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purposes of but not limited to inspection, observation, measurement sampling, repair and maintenance of any portion of the sewerage 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 X
Penalties; Additional Remedies

§ 115-62. Notice of violation.

Any applicant found to be violating any provision of this chapter, except § 115-58, shall be served by the Town with written notice stating the nature of the violation and providing a thirty-day-or-less time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 115-63. Penalties for offenses.

Any applicant who fails to comply with the provisions of this chapter, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to a fine as established on the rate and penalty schedule for each offense. The continued violation of any provision of any section of this chapter, other than those pertaining to the payment of charge for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

§ 115-64. Other remedies.

As an alternative, upon violation of this chapter, the Town Board, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewerage disposal systems, pipes or drains, to restrain, correct or abate such violation, to prevent the occupancy of any building, structure or land where said violations of this chapter are found.

§ 115-65. Liability of offender to Town.

Any applicant violating any of the provisions of this chapter shall become liable to the Town and/or district by reason of such violation and shall also be liable for all costs and Town expenses associated with the repair of the damage and for any fines imposed as a result of such violation.

§ 115-66. Interpretations.

The Town Board's opinion shall be controlling in the event that differences between a Department and applicant exists on matters concerning interpretation and execution of the provisions of this chapter.

§ 115-67. Penalty for false statements.

Any applicant who knowingly makes or provides any false statements, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punishable in accordance with Penal Law.

§ 115-68. Orders to cease and desist.

The Town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this chapter or the wastewater discharge permit to comply forthwith or comply in accordance with a time schedule set forth by the Town, or take appropriate remedial or preventative action in the event of a threatened violation.

§ 115-69. Revocation of permit.

If the conditions of the permit or this chapter are not strictly adhered to, the permit may be revoked and further discharge prohibited.

ARTICLE XI

Charges**§ 115-70. Allocation of costs.**

- A. The Town shall maintain a Sewer Rate Schedule which describes and shows the annual Operation and Maintenance (O&M) costs and Capital Charges for each Sewer District. The Sewer Rate Schedule shall also indicate billing periods, schedules and various fees and rates for items, including but not limited to penalties, tapping fees and reserve capacity fees. The rates and fees shown shall be updated from time to time by Town Board resolution.
- B. The Town Board shall adopt a resolution whenever necessary, establishing or amending the sewer rates for the Town. Such resolution shall remain in full force and effect until such time as it is repealed or superseded by a subsequent resolution of the Town Board adopted pursuant to this Local Law. Any such resolution establishing sewer rates or meeting shall be scheduled with at least seven (7) days prior public notice. Such notice shall be accomplished by publication in a newspaper of general circulation in the Town. In any such resolution establishing or amending sewer rates, the Town Board may establish an equitable classification of users and establish different rates for the different classifications. Such Classification may include separate charges for users who are located outside of the corporate limits of the Town, or pre-established District limits.
- C. All properties located within a sewer district, regardless of connection status, shall be responsible for paying capital costs applicable to the district since said properties benefit from convenient access to sewer mains.

§ 115-71. General billing provisions.

- A. The sewer service charge of each sewer district or consolidated district shall be set by the Town Board on a benefit basis as fairly as possible, in proportion to wastewater generation and capacity needs among all the parcels in the District or consolidated district.
- B. The annual cost of sewer service for parcels within the service area will consist of two components: debt service on the capital costs, and the operation and maintenance charges as follows:
 - (1) Operation and maintenance charge: All parcels within the service area discharging or depositing sewage into the public sewers shall be assessed a connection fee, district costs and treatment fees and any other applicable operation and maintenance fee as set forth in § 115- 71 D hereof. The connection fee shall be determined by resolution of the Town Board.
 - (2) Capital project debt charge: All parcels within the service area shall be assessed a capital project debt charge based upon the following formulas: 90% of the annual debt service shall be collected on the assessed value within the district, while the remaining 10% shall be based upon the acreage of each parcel within

the sewer district. Payment of the capital debt charge must be paid regardless of connection status to the public sewer.

- C. The Town Board shall prepare a sewer budget in accordance with Town Law that will specify debt service charges proposed for the succeeding budget year. In accordance with Town Law, sewer rolls for each sewer district will be prepared and adopted by the Town Board annually which set forth capital charges and operation and maintenance expenses. Adoption of the amount of the annual capital charges and the annual amount of operation and maintenance expenses shall occur at a public hearing noticed in a manner required by the Town Law.
- D. Annual operation and maintenance charges described in §115-71 B(1) of this article will be based upon district costs and treatment costs. Revenue determined for district costs shall be based upon assessed value and will be billed in January of each year. Revenues for treatment costs will be determined on water consumption at a dollar rate per 1,000 gallons and shall be billed semi- annually on June 30, and December 31 of each year. Payment of the semi-annual treatment invoices must be remitted in full within thirty days of June 30 and December 31. Any unpaid balance will be subject to an interest charge of 10% each month after the initial thirty-day period on the outstanding balance, and shall become a lien on the owner's real property if not fully paid by the end of the calendar year in which the invoice was issued.
- E. Capital project debt service charges described in §115-71 B(2) of this article shall be billed annually by the Town through the county with billings to begin as shown on the Sewer Rate Sheet. Any unpaid bill shall become a lien on the real property.
- F. All bills are payable in accordance with the rates and charges set forth in Article XI. For new services installed at any time during the billing period, the charges will not be prorated. Unpaid balances shall become a lien on the Owner's real property if not paid by the end of the calendar year in which the invoice was due. Metered drinking water usage shall be used to determine sewer bills, the quantity of water recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the applicant and the Department, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the charge shall be based on an estimate prepared by the Department for the period in question.
- G. There shall be filed annually, with the Town Board, a statement showing the unpaid water charges and penalties payable, with a brief description of the owner's property.
- H. Bills for sewer service or services performed by the Department shall be paid to the Town of Moreau.
- I. Sewer rates, penalties and charges shall be as shown on the Sewer Rate Schedule and established by the Town Board from time to time.

- J. No bill will be rendered for less than the minimum charge for each billing period. Any payment accepted for less than the amount stated on the bill will be subject to a late payment penalty on the original payment due amount.

- K. Failure to receive a bill shall not act as a waiver of the penalty, nor shall it relieve the Owner of any responsibility for the bill.

- L. Unpaid sewer bills and charges of whatever nature shall become a lien on the property.

ARTICLE XII**Miscellaneous****§ 115-72. Effective date**

This article shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law, as provided by law.

§ 115-73. Repealer

This Local Law repeals Local Law 5 of 1998 adopted by the Town Board on June 9, 1998.

§ 115-74. Required to Connect – New Construction

Any large commercial or residential development within 1/2 mile of existing sewer infrastructure shall be required to connect to public sewer. Developments that will generate 1,000 gpd or more of sanitary flow shall be considered large developments.

§ 115-75. Independent District Prohibited

Formation of new independent sewer districts within the Town is prohibited. Any district extension, either municipally or developer initiated, shall become part of either District 1, Extension 5 or successor thereof. Outside district connections by agreement shall not be allowed. Outside district users are required to join District 1, Extension 5 or successor thereof.

§115-76.

Outside district developments shall be required to pay connection fees as set forth in the rate schedule to be determined by the Town Board. Fees shall be payable within 30-days of Planning Board approvals.

§ 115-77.

On-site water wells shall not be allowed for any property with a sewer service for the purpose of supplying water to a structure. On-site water wells shall be abandoned or disconnected from any building water service to the satisfaction of the Department before a sewer service connection can be made.

§115-78

Where certain easement agreements exist within Sewer District No. 1, Extension 5, the Town will be responsible for routine maintenance and repair of grinder pumps and sewer service lines as follows:

- a. The Town shall only be responsible for maintenance and repair of grinder pumps and sewer service lines until such time that the District's EFC loan used to install these improvements is paid in full. Thereafter upon loan satisfaction, the Owner shall be responsible for all grinder pump and service line maintenance and repair costs.
- b. The Owner shall be responsible for operation of the grinder pump system in accordance with manufacturer requirements which should be made available at Town Hall, including but not limited to monitoring for alarms, and limiting water use during alarm conditions.
- c. The Owner shall be responsible for notifying the Town of alarm conditions, or visual indications of the need for service such as wet spots around the pump unit and service line.
- d. The Owner should be responsible for restricting the use of water use during power failure.
- e. The Town shall only be responsible for routine maintenance and repairs. If in the opinion of the Department that grinder pump or sewer service line repairs are required as a result of a failure to comply with "Article VII Use Restrictions for Public Sewers", all repair costs shall be the responsibility of the Owner.
- f. The Town shall not be liable for any damage or loss of any kind to property or person which may be caused by the maintenance and repair of grinder pump and sewer service lines from any cause whatsoever, including negligence on the part of the Department, its agents, servants or employees.