

SEWER USE ORDINANCE

OF THE

GREAT NECK WATER POLLUTION CONTROL DISTRICT

236 EAST SHORE ROAD

GREAT NECK, NEW YORK 11023



Adopted September 22, 1987

Amended February 23, 2017

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## **SECTION 1 - Definitions**

As used in these Ordinances, except where the context otherwise requires:

**Abnormal Sewage** – Sewage whose concentration of one or more characteristics exceeds the maximum concentrations of the characteristics of Objectionable Wastes which are on file with the District (See Objectionable Wastes).

**Act or "THE ACT"** – The Federal Water Pollution Control Act, also known as the Clean Water Act ("CWA"), , 33 U.S.C. 1251, et seq.,

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

**Applicant** – That person who makes application for any permit. The applicant may be the current owner or an authorized representative.

**Approved Laboratory Procedure** – The procedures defined as 'Standard Methods' in this article, or other procedures approved by the Superintendent, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters, and/or sludges.

**American Society for Testing and Materials ("ASTM")** – The latest edition of any ASTM specification, when stipulated in this Law.

**Authorized Representative**– The entities set forth herein may designate their authorized representative as follows. (a) Corporation - a principal executive officer of at least the level of vice-president; (b) Partnership - a general partner. All other Owners or Users, including Corporations or Partnerships, may designate an attorney, engineer, architect or other appropriate professional, including the facilities manager, as their Authorized Representative

**Board** – The Board of Commissioners of the Great Neck Water Pollution Control District.

**Biochemical Oxygen Demand ("BOD")** – The result obtained when using an approved laboratory procedure to determine the quantity of oxygen consumed in five (5) days at 20 degrees C expressed in milligrams per liter.

**Boiler Blow Down** – The water that is intentionally wasted from a boiler to avoid concentration of impurities during continuing evaporation of steam. It shall contain no Pollutants from Toxic Substances of Concern as limited elsewhere in this Ordinance. Boiler blow down may not be Discharged into the Public Sanitary Sewer without first securing a permit from the District.

**Builder** – Any person who undertakes to construct, renovate or alter a building or structure or any part thereof a building, either under contract or for resale.

**Building Drain** – That part of the internal sanitary plumbing of a building or structure which receives sewage and/or wastewater from drainage pipes inside the building walls, and conveys it to the Building Sewer Line which begins five (5) feet outside the inner face of the building wall.

**Building Sewer Line (Lateral)** – A pipeline intended to be used to convey wastewater and/or sewage from the Building Drain to the Public Sanitary Sewer.

**Capacity Surcharge** - The costs surcharged to the Owner as part of the application for a Connection Permit which are incurred by the District for upgrades required to its Collection System to safely respond to the increase in sewage and/or wastewater generated by virtue of a change in a zoning or use of a premises.

**Chemical Oxygen Demand (“COD”)** – The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

**Chlorine Demand** – The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time, expressed in milligrams per liter.

**Code of Federal Regulations (40 CFR)** - Title 40 of the Code of Federal Regulations published in the U.S. government publication the “Federal Register” which contains United States Government environmental regulations.

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

**Combined Sewer** – A sewer designed to receive and transport storm water, surface runoff and sewage.

**Commercial User** - Commercial User shall include any property occupied by a non-residential establishment not within the definition of “Industrial User”.

**Composite Sample** – The sample resulting from the combination of individual samples taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

**Connection** – Attachment of the Building Sewer Line to the Public Sanitary Sewer.

**Control Manhole** – A manhole, located on the Building Sewer Line, accessible to the District upstream of the Public Sanitary Sewer, such that samples collected from the manhole represent the discharge from the premises to the POTW. (See Public Owned Treatment Works).

**Conventional Pollutant** – A pollutant that the POTW treatment plant was designed to treat.

**Cooling Water** – The water Discharged from any system of condensation, air conditioning, refrigeration, or other sources. Cooling water may not be Discharged into the Public Sanitary Sewer without first securing a permit from the District.

**Developer** – Any person who constructs, or causes to be constructed, buildings for which wastewater and/or sewage disposal facilities are required. (See Builder)

**Direct Discharge** - Shall mean the Discharge of treated or untreated wastewater directly into the waters of the State of New York.

**Discharge** – An effluent or substance, or the act of unloading or emitting an effluent or substance directly or indirectly into any part of the District’s POTW.

**District** – The Great Neck Water Pollution Control District, its officers, employees and designated representatives

**End of Pipe** – For the purpose of determining compliance with the limitations prescribed in this Ordinance, End of Pipe shall mean the Control Manhole, or a location designated by the Superintendent, provided that the samples collected are representative of the discharge from the Building Sewer Line.

**End of Pipe Concentration** – The concentration of a substance in a sample of sewage and/or wastewater at End of Pipe.

**Easement** – An acquired legal right for the specific use of land owned by others.

**U.S. Environmental Protection Agency (“EPA” or “USEPA”)** - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations.

**Facility** – All buildings, other structures, grounds and contiguous property at any locations related to or connected with the Premises.

**Fats, Oils and Greases (“FOG”)** – Organic polar compounds derived from animal and/or plant sources that contain carbon chain triglycerides compounds. These substances are detectable and measurable using current analytical test procedures established in 40 CFR 136.

**Flow Rate** – The quantity and/or volume of liquid or waste that flows in a certain period of time typically shown as gallons per day (“gpd”) or gallons per minute (“gpm”).

**Garbage** – The solid wastes generated from either (a) the preparation, cooking, and dispensing of food; (b) the handling, storage and/or sale of produce; and (c) the packaging and canning of food.

**Grab Sample** – A single sample of sewage and/or wastewater representing the physical, chemical, and/or biological characteristics of the sample at one point and time.

**Grease Trap or Interceptor** – A device designed to separate and retain light density liquids, waterborne fats, oils and greases, grit, lint, hair, amalgam or any other specified materials prior to the wastewater entering the Public Sanitary Sewer. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the waste exiting the trap and entering the Public Sanitary Sewer.

**Indirect Discharge** – The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters.

**Industrial Wastes** – The liquid or liquid-carried solids and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sewage.

**Infiltration** – Water, other than sewage and/or wastewater, that enters a POTW from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, Inflow. Infiltration is inadvertent and is not purposely introduced into the POTW.

**Inflow** – Water, other than sewage and/or wastewater, that enters a sewer system (including Building Drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

**Interference** – A Discharge which, alone or in conjunction with Discharges by other sources,

(a) Inhibits or disrupts the proper functioning of the POTW its treatment processes or operations, or its sludge processes, use or disposal; and

(b) therefore is a cause of a violation of any requirement of the District's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations):

i - Section 405 of the Clean Water Act,

ii - the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),

iii - Clean Air Act,

iv - Toxic Substance Control Act, and

v - Marine Protection Research and Sanctuaries Act.

**Lateral** (See “Building Sewer Line”).

**Local Municipalities** - For the purpose of these Ordinances, the governmental entities set forth below shall be referred to as Local Municipalities:

The Town of North Hempstead  
The Incorporated Village of Great Neck  
The Incorporated Village of Great Neck Estates  
The Incorporated Village of Great Neck Plaza  
The Incorporated Village of Kensington  
The Incorporated Village of Thomaston  
The Incorporated Village of Saddle Rock

**National Categorical Pretreatment Standard, or Categorical Standard** – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

**National Pretreatment Standard or Pretreatment Standard** – Any Categorical Standard or Prohibitive Discharge Standard.

**National Prohibitive Discharge Standard, or Prohibitive Discharge Standard** – Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

**NYS DEC** – shall mean the New York State Department of Environmental Conservation or duly authorized official of said Department.

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

**Objectionable Wastes**- Shall mean any wastes that can harm either the Public Sanitary Sewers, any of the treatment processes of the POTW, or otherwise endanger life, health or property, or that constitute a nuisance. Objectionable Wastes shall include those substances set forth on the schedule of Objectionable Wastes on file with the District.

**Owner** – That individual or entity who is the current fee owner of the property, as same is recorded in the Nassau County Clerk’s Office.

**Owner’s Responsibility** - The Owner is solely responsible for full compliance with these Ordinances and any applicable permits. This responsibility includes, but is not limited to, installation, maintenance and repair of the Building Drain, Building Sewer Line (Lateral), required grease trap interceptors and all other sanitary plumbing on their premises. This responsibility cannot be delegated. The Owner shall be responsible for the negligence, errors

and/or omissions of their tenant, contractor, Builder, Professionals, Consultants and/or Authorized Representative.

**Other Wastes** – Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, waste oil, paint and/or thinners and all other discarded matter not normally present in sewage and/or wastewater.

**Pass Through** – The Discharge which exits the District's POTW into waters of the State in quantities, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**Permit** – A revocable written document issued by the District allowing use of the POTW for specified wastes over a limited period of time, which may contain conditions including, but not limited to, duration, sampling, reporting frequencies, pre-treatment and other actions authorized by this Ordinance.

**Person** – Any individual, public or private corporation, political subdivision, Federal, State, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

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

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

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

**Pretreatment**– The elimination and/or reduction of the amount of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be achieved by the introduction of a physical, chemical, or biological process and/or process changes, or by other means, except as prohibited by 40 CFR, Section 403.6 (D).

**Pretreatment Requirements** – Any substantive or procedural requirement related to pretreatment imposed by the District on an Industrial user other than a National Pretreatment Standard.

**Priority Pollutants** – The most recently revised or updated list, developed by the EPA, in accordance with the Act.



**Prohibited Devices** – Garbage disposal units, sinkerators, solid waste grinders and sump pumps may not be utilized in conjunction with, or connected to, the Building Drain Line or Building Sewer Line or otherwise Discharged into the Public Sanitary Sewer.

**Publicly Owned Treatment Works (“POTW”)** – A treatment works, as defined by Section 212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by District. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant; but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

**POTW Treatment Plant** – That portion of the POTW designed to provide treatment to sewage and/or wastewater, and to treat sludge and residuals derived from such treatment.

**Public Sanitary Sewer** – a pipe owned or controlled by the District or other municipality which carries sewage and/or wastewater wherein storm water, surface and ground waters are not intentionally admitted.

**Receiving Waters** – A natural water course or body of water into which treated or untreated sewage is Discharged.

**Roof Drain** – A drain installed to receive water collecting on the surface of a roof for disposal.

**Sanitary Sewer** - a pipe that carries liquid and water – carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface water that are not admitted intentionally.

**Septage** – All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants. Septage may not be discharged into the Public Sanitary Sewer without first securing a permit from the District.

**Septic Tank** – A private domestic sewage treatment system consisting of an underground tank, constructed in accordance with all local and State requirements. All septic tanks within the District’s jurisdiction must receive prior authorization from the Superintendent.

**Service Area of the District**– The legally defined bounds of real property from which sewage and/or wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Board.

**Sewage** - Liquid wastes from the preparation, cooking, and handling of food; liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Sewage includes both black water and grey water.

**Significant Industrial User (“SIU”)** – An Industrial user\* of the District POTW who is:

- Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- Having substantial impact, or the potential of having substantial impacts either singly or in combination with other industries, on the operation of the treatment works,
- Using, on an annual basis, more than 10,000 lbs. or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system,
- Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant, whether as a slug or over a twenty-four (24) hour period.

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

**Slug** – A substantial deviation from normal rates and/or volume of Discharge or concentration. A slug shall constitute a Discharge which, in concentration of any constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate Discharged through the Building Sewer Line.

**SPDES** - SPDES means State Pollutant Discharge Elimination System

**Standard Industrial Classification (“SIC”)** – The current classification pursuant to the latest version of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget

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

**State** – State of New York.

**Statutes, Rules and Regulations** - Reference to a statute, rule or regulation shall include any amendments, revisions or recodification thereof.

**Storm Sewer (Storm Drain)** – A pipe which carries storm waters and drainage, but excludes sewage and/or wastewaters.

**Storm Water** – Any flow occurring during or following any form of natural precipitation.

**Substantial Renovation** – Means any of the following four conditions:

1. Renovation, alteration, extension or repair of any portion of a building which, in the Superintendent's judgement, exceeds 50% of the aggregate floor area of the building;
2. Renovation, alteration, extension or repair of any portion of a building when, in the Superintendent's judgement, the cost of such renovation, alteration, extension or repair exceeds 50% of the replacement cost of the building;
3. Any new extension which, in the Superintendent's judgment, increases the total square footage by more than 20% of the aggregate square footage of the existing building;
4. Renovation, alteration, extension or repair of any portion of a building which, creates a more hazardous occupancy including, but not limited to: laboratory, hospital, medical office, dentist or any other facility deemed more hazardous in the Superintendent's judgement.

**Sump Pump** – A mechanism used for transferring storm or ground water.

**Superintendent** – That individual designated by the Board as the Superintendent of the District. This definition shall also include any duly authorized deputy, agent, or representative.

**Total Suspended Solids** – The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that can be removed from the sample by filtration, expressed in milligrams per liter.

**Total Kjeldahl Nitrogen ("TKN")** – The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

**Total Nitrogen** – The result obtained, using an approved laboratory procedure, to determine the total quantity of Total Kjeldahl Nitrogen (TKN) + Nitrite (NO<sub>2</sub>) + Nitrate (NO<sub>3</sub>)

**Total Phosphorus** – The sum of all phosphorus compounds that occur in various forms obtained using an approved laboratory procedure expressed as milligrams of total phosphorus per liter of sample.

**Toxic Substances** – Any substance, whether gaseous, liquid, or solid, that when Discharged to a Public Sanitary Sewer is potentially hazardous to POTW operation and maintenance personnel or which tends to interfere with any biological sewage treatment process, or constitutes a hazard to

recreation in the receiving waters due to the effluent from a sewage treatment plant or any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA.

**Transporter** – A person who is registered with and authorized by the NYS DEC to transport regulated waste such as sludge, septage, chemical toilet waste and grease trap waste, in accordance with 6 NYCRR Part 364.

**User** – Any person who contributes, causes, or permits the Discharge of sewage and/or wastewater into the POTW.

**Wastewater** – The liquid and water-carried wastes other than sewage, whether treated or untreated, which are discharged into the POTW from commercial establishments, industrial facilities, and institutions.

### **SECTION 2 - Use of Public Sanitary Sewer Required**

Where there is a Public Sanitary Sewer physically available to properties within boundaries of the District, specifically within one hundred (100) feet of the property line, it is mandatory that said Premises be connected to the Public Sanitary Sewer within 180 days after the date of official notice to do so. No private sewage disposal system shall be allowed within the District other than pre-treatment systems for Discharge to the POTW as provided for herein.

### **SECTION 3 - Building Sewer Line Construction Specifications**

(a) All work on the Building Sewer Line shall conform to the Plumbing Code of the State of New York as well as the Local Municipalities having jurisdiction of the Premises.

(b) Only those persons licensed to perform plumbing in the Town of North Hempstead shall be authorized to perform such work and/or make Connections to the Public Sanitary Sewer.

(c) The point of Connection to the Public Sanitary Sewer shall be designated by the District. The Building Sewer Line shall be run directly to that point of the Public Sanitary Sewer. Only one premise shall be Connected to each Building Sewer Line. Shared Building Sewer Lines are prohibited.

(d) Each Building Sewer Line must conform to the current materials and construction specifications on file with the District and posted on its website.

### **SECTION 4 - Connection Permits**

As set forth in the following sections of this Ordinance, there shall be five (5) classes of permits identified as (1) “connection” (2) “disconnection” (3) “wastewater discharge” (4) “special” and (5) “repair”. The specific requirements and regulations applicable to each class of permit are on file with the District and posted on its website. The current permit fee as established by the Board of Commissioners shall accompany the permit application.

(a) A Connection Permit shall be required for every Building Sewer Line (Lateral) connected to the Public Sanitary Sewer.

(b) All applications to construct, install, alter, replace, modify or change a Building Sewer Line, shall be made by the Owner and the licensed plumber performing the work. No work shall commence until the permit has been approved by the District.

(c) The issuance of a Connection Permit shall not relieve the Owner's Responsibility for obtaining all other necessary Building permits from the applicable Local Municipalities including, but not limited to, a "street opening" permit for the Permanent Disconnection of the Building Sewer Line in the street. Pavement replacement shall conform to the requirements of the Local Municipality having jurisdiction over said pavements.

(d) Proof of the existence of any Connection to the Public Sanitary Sewer without an approved permit from the District shall create a presumption that the Connection was made by the Owner of the Premises substantiating a criminal offense of "tampering" with a Public Sewer.

(e) In general terms, the District's POTW was designed and constructed in conformity to the then current zoning rules of the Town of North Hempstead and the respective Villages included in the Service Area of the District (Local Municipalities). The zoning and use of any premises is strictly the jurisdiction of the Local Municipalities. However, any particular change in the zoning or use of a parcel or group of parcels may cause an inordinate increase in the flow of wastewater and/or sewage to such an extent that the Public Sanitary Sewer fronting the premises and/or downstream tributaries of the POTW may be compromised creating a potential threat to the health, welfare and safety of the existing users ("Capacity Compromise"). Once such a Capacity Compromise arises, the proposed new structure authorized by the change in zone or use may not make a Connection to the POTW until the Public Sanitary Sewer in the vicinity of a Capacity Compromise has been upgraded to accommodate the increased flow. ("Capacity Upgrade"). All costs of the Capacity Upgrade arising directly out of the Capacity Compromise shall be assessed to the Developer.

#### **SECTION 5- Disconnection Permits**

(a) In the event that a building which is connected to the District's Public Sanitary Sewer is to be demolished, or undergoes Substantial Renovations, or if the Certificate of Occupancy is withdrawn, the existing Building Sewer Line (Lateral) shall be disconnected and removed.

(b) All applications for a Disconnection Permit shall be made by the Owner and the licensed plumber performing the work. No work shall commence until the permit has been approved by the District.

(c) The issuance of a Disconnection Permit shall not relieve the Owner's Responsibility for obtaining all other necessary Building permits from the applicable Local Municipalities including, but not limited to, a "street opening" permit for the Permanent Disconnection of the

Building Sewer Line in the street. Pavement replacement shall conform to the requirements of the local municipality having jurisdiction over said pavements.

(d) In addition to all other applicable penalties, any person who fails to comply with this section shall be liable for all costs incurred by the District in locating in the street the point of disconnection of the Building Sewer Line from the Public Sanitary Sewer for purposes of inspection by the District. Such additional costs shall include, but not be limited to, all applicable permits, excavation, compaction and road restoration necessary to uncover the point of disconnection together with a reasonable administration charge.

#### **SECTION 6 - Wastewater Discharge Permits**

(a) Industrial or Wastewater Generating Commercial Owners and/or Users are prohibited from Discharging Wastewater into the Public Sanitary Sewer without first having obtained a valid Wastewater Discharge Permit approved by the Superintendent. Industrial and Wastewater Generating Commercial Owners and/or Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Ordinance. Violation of a permit term or condition is deemed a violation of this Ordinance.

(b) All applications for a Wastewater Discharge Permit shall be made by the Owner and submitted on District forms posted on its website.

(c) Upon receipt of the Wastewater Discharge Permit application, the Superintendent will conduct an investigation into the nature and characteristics of the proposed Discharge. After due consideration of the effects of the proposed Discharge on the POTW, the Superintendent may issue a permit containing the pre-treatment criteria and protocols and discharge controls which are set forth on the Schedule of Requirements for Wastewater Discharge Permits on file with the District and posted on its website.

#### **SECTION 7 - Special Permits**

(a) All applications for a Special Permit shall be made by both the Owner and also the User, where applicable.

(b) A Special Permit is required for all of the uses set forth below. The permit requirements for each special use are on file with the District and posted on its website:

- (1) Food establishments generating FOGs.
- (2) Dental facilities that use or possesses elemental mercury.
- (3) Funeral homes
- (4) Hospitals and Urgent Care Facilities
- (5) Laundromats
- (6) Dry Cleaners
- (7) Hotels and Motels with swimming pools
- (8) Hair Salons
- (9) Car Wash

- (10) Doctors' offices that perform surgical procedures
- (11) Trucked or hauled wastes disposed at POTW
- (12) Indoor Pools

(c) A Special Permit may also be required when, in the judgment of the Superintendent, special circumstances present the potential of a Discharge of Wastewater which may cause damage to or impair the POTW or the processes of the treatment plant.

### **SECTION 8 – Repair Permits**

- (a) No person shall make or cause to be made any repair of a Building Sewer Line without first having obtained a permit from the District.
- (b) The Owner and a licensed plumber performing the work shall make application to the District for a Repair Permit whenever repairs, alterations or reconstruction are performed to an existing Building Sewer Service.
- (c) Repair Permit Forms are available from the District and are posted on its website.

### **SECTION 9 Revocation of Permits**

Revocation: A permit may be revoked at any time by the District for:

1. Any violation of these Ordinances;
2. Any violation of any Condition upon which a permit was approved;
3. Any refusal to permit immediate inspection by any employee, officer or duly authorized representative of the District.
4. Any Discharge or other activity or omission which, in the judgment of the Superintendent, may jeopardize the health and safety of the District's employees or present the potential for damage to, or impairment of, the POTW or the processes of the treatment plant.

### **SECTION 10 – Charges and Fees**

All required charges and fees are set forth in the latest Fee Schedule established by the Board of Commissioners and posted on the District's website.

### **SECTION 11 – Falsifying Information**

- (a) Any person who knowingly makes any false statement, representation or certification in any application, Record, report, plan or other documents filed or required to be maintained pursuant to this Ordinance, or any permit issued hereunder, shall be subject to a violation of this Ordinance and subject to the Administrative Fines and Penalties provided for herein..

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

(c) Each act of falsification shall constitute a separate violation

### **SECTION 12 - Protection from Damage**

(a) No person shall trespass upon or loiter in or about the District's property.

(b) All individuals found to be on any District property at any time without authorization shall be considered trespassers.

(c) No person shall maliciously, willfully or negligently break, damage, destroy, cover or uncover, deface or tamper with

(1) any structure or appurtenance or equipment which is part of the District's POTW;

(2) any measuring, sampling, testing device and/or monitoring device installed pursuant to any permit or requirement under this Ordinance

(d) A User who intentionally, knowingly, recklessly or by means of criminally negligent acts introduces any substance into the POTW which causes personal injury or property damage shall be guilty of a violation.

(e) A User who knowingly makes any false statements, representation or certifications in any application, Record, report, plan or other documentation file required to be maintained pursuant to this Ordinance or Wastewater Discharge Permit or Consent Order issued hereunder shall be guilty of a violation.

(f) Any person found violating the foregoing provisions of the section shall be subject to arrest and prosecution under the applicable provisions of the Penal Law.

(g) Each violation of this section shall constitute a separate violation of this Ordinance.

### **SECTION 13 Discharge Restrictions**

#### **13.1 General Prohibitions**

No Owner or User shall Discharge any Sewerage and/or Wastewater which may constitute an Interference with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical



Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements. Without limiting the generality of the foregoing, a User is prohibited from Discharging the following into the POTW:

- (a) Any Discharge of solids, liquids, or gases which, by reason of their nature or quantity are, or may be sufficient, either alone, or by interaction with other substances, have the potential to cause a fire or an explosion in the Public Sanitary Sewer or which, in the judgment of the Superintendent, create any threat of injury to the POTW or the District's employees.
- (b) Any Discharge of solid or viscous substances which may cause obstruction to the flow in a Public Sanitary Sewer or otherwise interfere with the operation of the Wastewater treatment facilities.
- (c) Any Discharge containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the Receiving Waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.
- (d) Any Discharge containing noxious or malodorous solids, liquids, or gases which, either alone or by interaction with other wastes, are sufficient to create (1) a public nuisance (2) a hazard to life or (3) are sufficient to prevent entry into the POTW for maintenance or repair.
- (e) Any Discharge which may cause an Interference or Pass Through.
- (f) Any Discharge with objectionable color such as, but not limited to, dye wastes, and vegetable tanning solutions.
- (g) Any Discharge of an unusual flow rate or concentration constituting slugs, except by Wastewater Discharge Permit.
- (h) Any Discharge containing any radioactive wastes except as authorized by Wastewater Discharge Permit, and in full compliance with applicable State and Federal regulations.
- (i) Any Discharge of pollutants which, in the judgment of the Superintendent, has the potential to introduce toxic gases, vapors or fumes within the POTW that may threaten the health and safety of the District's employees.
- (j) Any Cooling water, except as authorized by a Wastewater Discharge Permit.
- (k) Any Discharge of any substance which, in the judgment of the Superintendent, has the potential to generate a violation of the District's SPDES permit.

### **13.2 Inflow Sources Prohibited**

Inflow sources are strictly prohibited from being Discharged into the Public Sanitary Sewer. No person shall Discharge any Storm water, surface water, ground water, roof run off, subsurface drainage or unpolluted Industrial Wastes into any Public Sanitary Sewer. No Connections shall be made to the Public Sanitary Sewer which permit the Discharge of Inflow. Such prohibited Connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, or other sources of Inflow. The Discharge of any such Inflow shall create a presumption that such Inflow was Discharged by the Owner and/or User of the premises on which such Inflow originated.

### **13.3 Solid Waste Grinders**

Solid waste grinders serving residences, commercial establishments, institutions or industries shall not Discharge into the District POTW.

### **13.4 Rejection of Wastewater**

When, in the Superintendent's judgment, the Discharge contains substances or characteristics which have the potential to cause damage to or impair the POTW or which could cause an Interference with the processes of the treatment plant, the Superintendent may reject a User's Sewage and/or Wastewater

### **13.5 Trucked or Hauled Waste**

Discharge into the POTW of any trucked or hauled wastes is strictly prohibited except by Special Permit.

## **SECTION 14 - Powers and Authority of Inspectors**

(a) The Superintendent and other duly authorized representatives of the District, the NYSDEC, the USEPA and the NCDOH bearing proper credentials and identifications, shall be permitted to immediately enter upon and into all Premises and District easements to:

- (1) conduct inspections, observation, measurement, sampling and testing in connection with insuring compliance with the provisions of the Ordinance or any permit issued by the District.
- (2) inquire into any treatment processes that have a direct discharge to the District's POTW
- (3) inspect Records regarding compliance with any permit conditions
- (4) calibrate measuring and/or metering devices
- (5) inspect, sample, repair and maintain any of District's facilities lying within an easement.

(b) Where the Owner or User has security measures in force which would require proper identification and clearance before entering into the premises, the User shall make necessary arrangements with the security personnel so that, upon presentation of suitable identification,

authorized representatives will be permitted to enter the Premises, without delay, for the purposes of performing their specific duties including, but not limited to, inspection, observation, measurement, copying Records, sampling and testing.

(c) No person shall at any time deliberately or otherwise prohibit, interfere with or prevent any District employee, Representative, or vehicle from carrying on the duties and functions of the District.

## **SECTION 15 – Administrative Enforcement Remedies**

### **15.1 Notification of Violation**

(a) When the User has violated any provision of this Ordinance, or a permit issued hereunder, the Superintendent may serve upon that User a written ten (10) day Notice of Violation (“Notice of Violation”).

(b) Within ten (10) days of the receipt of this Notice of Violation, the User shall submit to the Superintendent an explanation of the violation together with a proposed plan for the satisfactory correction and future prevention thereof.

(c) The issuance of the Notice of Violation and the proposed correction plan do not constitute a waiver of the District’s rights to initially pursue Judicial Enforcement or assess appropriate Administrative Fines and Penalties as set forth herein.

(d) Nothing in this section shall limit the authority of the Superintendent to take any action, specifically including immediate response to emergency situations, or any other enforcement action, without first issuing a Notice of Violation.

### **15.2 Consent Orders**

After the Superintendent has completed his investigation of the violation and reviewed the proposed correction plan, he may enter into a voluntary Consent Order. The Consent Order shall include, but is not limited to, provisions addressing:

- (1) a timeline for corrective action which will eliminate non-compliance with the applicable permit or Ordinance provisions;
- (2) installation of adequate pretreatment facilities or other related appurtenances;
- (3) increased sampling protocols;
- (4) additional monitoring protocols and management practices designed to minimize the amount of pollutants discharged to the Public Sanitary Sewer;
- (5) reimbursement to the District for actual expenses and administrative charges incurred by virtue of the violation and the enforcement of the Consent Order.
- (6) The filing of all unpaid fees, charges, fines and penalties upon the offending Premises pursuant to Town Law section 198 -1 (k).
- (7)

## **SECTION 16 – Judicial Enforcement**

### **16.1 Injunctive Relief**

(a) When the Superintendent finds that a User has violated, or continues to violate, any provision of this Ordinance, Consent Order or permit, the Superintendent may petition the Nassau County Supreme Court for the issuance of a temporary or permanent injunction to compel specific performance of any:

- (1) Consent Order;
- (2) Permit; or
- (3) Other requirement imposed by this Ordinance.

(b) The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including an authorization to immediately suspend sewer service or require the User to conduct environmental remediation.

### **16.2 Attorney's Fees and Court Costs**

The District may recover reasonable attorneys' fees, court costs and other legal expenses associated with formal judicial enforcement proceedings.

## **SECTION 17 – Administrative Fines and Penalties**

(a) A User who has violated, or continues to violate, any provision of this Ordinance or a permit issued hereunder is subject to the imposition of a fine in an amount not to exceed \$5,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) In determining the amount of penalties, the District shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other fact or justice required.

(c) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(d) Unpaid fees, charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional annual penalty of ten percent (10%).

(e) Pursuant to Town Law §198-1(k), all unpaid fees, charges, fines or penalties due and owing the District on or prior to September 1<sup>st</sup> of each year shall be filed as a tax lien against the offending Premises.

**SECTION 18 - Validity**

- (a) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of the Ordinance, which can be given effect without such invalid part or parts.
- (c) The District reserves the right to change or amend this Ordinance in accordance with the provisions provided therefore in the Town Law of the State of New York.

**SECTION 19 - Ordinance in Force**

This Ordinance shall be in full force and effect after its passage, approval and adoption.

Adopted: February 16, 2017