

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town ofNiagara.....

Village

Local Law No.1..... of the year 19 94

A local lawrelating to Sewer Use Law.....
(Insert Title)

Be it enacted by theNiagara County Legislature.....of the
(Name of Legislative Body)

County

City

Town ofNiagara..... as follows:

Village

"See Attached"

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1994 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on Jan. 18 1994, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

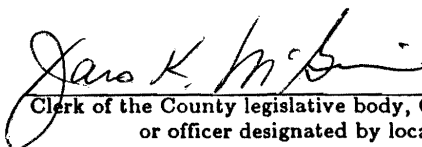
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

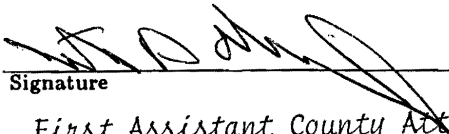
(Seal)

Date: _____ March 31 1994

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____ Niagara

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
First Assistant County Attorney

Title

County _____
City _____ of _____ Niagara
Town _____
Village _____

Date: _____ March 31 , 1994

SEWER USE LAW

**NIAGARA COUNTY SEWER DISTRICT NO. 1
NIAGARA COUNTY, NEW YORK**

AUGUST 1993

MALCOLM PIRNIE, INC.

**S-3515 Abbott Road
P. O. Box 1938
Buffalo, New York 14219**

**NIAGARA COUNTY SEWER DISTRICT NO. 1
SEWER USE LAW**

TABLE OF CONTENTS

Section	Page
1 DEFINITIONS	2
2 USE OF PUBLIC SEWERS	11
3 USE OF PUBLIC SEWERS - WATER	12
4. USE OF PUBLIC SEWERS - DISCHARGES	12
5. DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS	18
6. PROTECTION FROM DAMAGE	28
7. POWER AND AUTHORITY OF INSPECTORS	28
8. ENFORCEMENT AND PENALTIES	30
9. SUPPLEMENTAL ENFORCEMENT RESPONSES	33
10. RATES	35
11. RULES AND REGULATIONS	35
12. CORRELATION AND INTENT OF LAW, RULES & REGULATIONS ...	35
13. VALIDITY	35
14. EFFECTIVE DATE	36

SEWER USE LAW

The purpose of this Law is to regulate the use of public and private sewers and drains, private sewage and industrial waste disposal, the installation and connection of building sewers and discharge of waters and waste into the public sewer systems of the Sewer Districts and/or the Niagara County Sewer District and providing penalties for the violation thereof.

This Law sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the Sewer District and enables the District to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Law are:

- (a) To prevent the introduction of pollutants into the wastewater collection system which will interfere with the operation of the system or contaminate the resulting sludges;
- (b) To prevent the introduction of pollutants into the wastewater collection system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This Law provides for the regulation of direct and indirect contributors to the District's wastewater collection system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The Niagara County Sewer District ordains:

SECTION 1. DEFINITIONS

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

1. **"Abnormal Pollutant"** shall mean industrial waste, substance or wastewater characteristic in excess of that found in normal sewage, but which is otherwise acceptable into a public sewer under the terms of this Law.
2. **"Abnormal Pollutant Surcharge"** shall mean the charge levied against any person for services rendered during treatment of abnormal pollutants or waste. This charge is intended to partially defray the added cost of transporting and treating abnormal pollutants or waste. This charge shall be in addition to the usual monthly charge for sanitary sewerage service.
3. **"Abnormal Sewage"** shall mean any industrial waste having a suspended solids or B.O.D. content in excess of that found in normal sewage but which is otherwise acceptable into a public sewer under the terms of this Law.
4. **"Abnormal Sewage Permit"** shall mean a permit approved by and received from the Chief Operator permitting the discharge or deposit of abnormal sewage into a sanitary sewer upon payment of a surcharge.
5. **"Abnormal Sewage Surcharge"** shall mean the charge levied against any person for services rendered during treatment of abnormal sanitary sewage or waste. This charge is intended to partially defray the added cost of transporting and treating abnormal sewage or waste. This charge shall be in addition to the usual monthly charge for sanitary sewerage service.
6. **"Act"** shall mean the Federal Clean Water Act, as amended.

7. **"Administrator"** shall mean the person or person's authorized deputy, agent or representative in responsible charge of operating and maintaining the sewage system and sewage treatment plant (for Niagara County Sewer District No. 1 this is the Administrator).
8. **"Applicant"** shall mean that person who makes application for any permit. The applicant may be any Owner, new or old, or his agent.
9. **"ASTM"** shall mean the American Society for Testing and Materials.
10. **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five(5) days at 20°C, expressed in milligrams per liter.
11. **"B.O.D. Strength Index"** shall mean the measure of the biochemical oxygen demand content of sewage in parts per million (milligrams per liter).
12. **"Building Drain"** shall mean that part of the lowest horizontal piping of a sewerage system which receives discharge from sewerage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
13. **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.
14. **"Chief Operator"** shall mean the person or person's authorized deputy, agent or representative in responsible charge of operating and maintaining the sewage system and sewage treatment plant (see Administrator).
15. **"Control Authority"** shall mean the Niagara County Sewer District No. 1.

16. **"Cooling Water"** shall mean the water discharged from any system of condensation such as air conditioning, cooling or refrigeration. It should contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances as limited elsewhere in this Law.
17. **"District"** shall mean that area created by the Niagara County Legislature and/or which area is serviced by the Treatment Plant by law or by agreement.
18. **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
19. **"Indirect Discharge"** shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Clean Water Act.
20. **"Industrial User"** shall mean a source of indirect discharge.
21. **"Industrial Wastes"** shall mean the liquid or liquid-carried solid or gaseous wastes from industrial manufacturing processes trade, business, institutions, utilities, governmental entities or other SIC Index establishments or operations as distinct from sanitary or domestic sewage.
22. **"Inflow"** shall mean water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.
23. **"Interceptor Sewer"** shall mean any public sewer or appurtenances owned and operated by the District.

24. **"Interference"** shall mean the inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of Niagara County Sewer District No. 1 SPDES permit. The term includes prevention of sewage sludge reuse, reclamation, or disposal by the POTW in accordance with Section 405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state or local criteria applicable to the method of disposal or use employed by the POTW."
25. **"Laboratory Determination"**, the measurements, tests and analyses of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test or analysis, of "Standard Methods for Examination of Water and Sewage," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation or in accordance with any other method prescribed by the U.S.E.P.A. or by any other method specifically approved by the Administrator.
26. **"National Pretreatment Standard"** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b), (c), or (d) of the Clean Water Act which applies to Industrial Users. Included in this term are prohibitive discharge limits established pursuant to 40 CFR 403.5.
27. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
28. **"New Source"** shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants. The construction of which commenced after the publication of Pretreatment Standards under section 307(c) of the Clean Water Act which will be applicable to such source, provided that: the building, structure, facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing

source; or the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

29. **"Normal Sewage"** shall mean sewage which, when analyzed shows by weight a daily average of not more than 2500 pounds per million gallons (300 parts per million) of suspended solids and not more than 2500 pounds per million gallons (300 parts per million) of B.O.D., and which is otherwise acceptable into a public sewer under the terms of this Law.
30. **"NYSDEC"** shall mean the New York State Department of Environmental Conservation or its duly authorized agent.
31. **"Objectionable Waste"** shall mean any wastes that can harm either the sewers, sewer treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitutes a nuisance.
32. **"Owner,"** or owners of record of the freehold of the premises or lesser estate therein, a mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.
33. **"P,"** denoting Phosphate, shall mean the total phosphate determined under standard laboratory procedures, expressed in milligrams per liter.
34. **"Pass-Through"** shall mean a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with discharges from other sources, causes a violation of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

35. **"Person"** shall mean any individual, firm, company, association, society, corporation, including municipal corporation, or group.
36. **"pH"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
37. **"Pollutant"** shall mean any substance or wastewater characteristic present in Polluted Water or Waste.
38. **"Polluted Water or Waste"** shall mean any water or liquid wastes containing any of the following: Phenols or other substances to an extent imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; noxious odorous gases; more than 10,000 parts per million, by weight of dissolved solids, of which more than 2500 parts per million are chloride; more than 10 parts per million each of suspended solids and/or B.O.D.; color exceeding 50 parts per million, or having a pH value of less than 5.5 or more than 9.5; and/or any water or waste not approved for discharge into a stream or waterway by the appropriate State or Federal authority.
39. **"POTW"** (Publicly Owned Treatment Works) shall mean a treatment works as defined by Section 212 of the Act (33 USC 1292). It includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
40. **"Pressure Sewers"** shall mean any pipe or conduit for carrying sewage under pressure and without intermediate openings to the atmosphere.
41. **"Pretreatment"** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly-owned treatment works. The reduction or alternation can be obtained by physical, chemical or biological processes, process

changes or by other means, except as prohibited by 40 CFR 403.6 "General Pretreatment Regulations for Existing and New Sources of Pollution."

42. **"Pretreatment Requirement"** shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, applicable to Industrial Users.
43. **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking and dispensing of food that have 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 (1.27 centimeters) in any dimension.
44. **"Public Sewer"** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
45. **"Rules & Regulations"** shall mean any additional rules and regulations adopted by the Administrative Board of the Niagara County Sewer District.
46. **"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
47. **"Sewage"** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-waters as may be present.
 - a) **"Sewage Works"** shall mean all facilities for collection, pumping, treating and disposing of sewage.
48. **"Sewage Treatment Plant"** shall mean any arrangement of devices and structures used for treating sewage.
49. **"Sewer"** shall mean a pipe or conduit for carrying sewage.

50. **"Sewer Inspector"** shall mean any person, agent, or representative of the Administrator, United States Environmental Protection Agency, New York State Department of Environmental Conservation, or Town District who has the proper authority to approve, inspect, observe, sample, or test building sewers or appurtenances in the sewer system.
51. **"Sewer Use Permit"** shall mean a permit to deposit or discharge industrial waste into any sanitary sewer in the County.
52. **"Shall"** is mandatory; **"may"** is permissive.
53. **"Significant Industrial User"** shall mean:
- (i) All Industrial Users subject to promulgated categorical pretreatment standards.
 - (ii) Industrial Users having substantial impact, either singly or in combination with other contributing Industrial Users on the operation of the treatment works.
 - (iii) Industrial Users having reasonable potential to adversely affect the POTW's operation or violate a pretreatment standard.
 - (iv) Manufacturing industries using, on an annual basis, more than 10,000 lbs. or 1,000 gallons of raw material containing priority pollutants/substances of concern and discharging a measurable amount of these pollutants to the sewer system from the process using these pollutants.
 - (v) Industrial Users discharging an average of 25,000 gallons per day or more of process wastewater to the POTW.
 - (vi) Those Industrial Users discharging more than five (5) percent of the flow or organic capacity carried by the treatment plant receiving the waste.
54. **"Slug"** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four concentration or flows during normal operation.

- 55. **"SPDES Permit"** shall mean State Pollutant Discharge Elimination System Permit issued by the New York State Department of Environmental Conservation (NYSDEC) pursuant to Titles 7 and 8 of Article 17 of the Environmental Conservation Law.
- 56. **"S.S. Strength Index"** shall mean the measure of the suspended solids content of sewage in parts per million (milligrams per liter).
- 57. **"Standard Methods"** shall mean "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Waterworks Association and the Water Pollution Control Federation, latest Edition.
- 58. **"Storm Sewer" or "Storm Drain"** shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes other than unpolluted cooling wastes.
- 59. **"Strength Index"** shall mean both the biochemical oxygen demand index and the suspended solids strength index.
- 60. **"Suspended Solids"** shall mean solids that either float on the surface of, or are in suspension in water, sewage or liquids; and which are removable by laboratory filtering.
- 61. **"System"** means the trunk sewers, interceptors, pumping stations, pressure lines, grinder pump stations, treatment plant, outfall conduits, and so forth designed to collect, transmit, treat and dispose of estimated flows and loadings of participants and other users of the system.
- 62. **"Town"** shall mean any and/or all of the following towns of the State of New York as defined by Municipal Law comprising the Niagara County Sewer District No. 1:

Town of Cambria, Town of Lewiston, Town of Lockport, Town of Pendleton, Town of Wheatfield and the Town of Niagara.

63. **"Town Sewer District"** shall mean any legally constituted sanitary sewer district created by any Town.
64. **"Unpolluted Water or Waste"** shall mean any water or liquid waste containing none of the following: Phenols or other substances to an extent imparting taste and odor in receiving waters; toxic or poisonous substances in suspension colloidal state or solution; noxious or odorous gases; not more than 10,000 parts per million, by weight, of dissolved solids, of which not more than 2500 parts per million are chloride; not more than 10 parts per million each of suspended solids and B.O.D.; color not exceeding 50 parts per million, nor a pH value of less than 5.5 nor higher than 9.5; and/or any water or waste approved for discharge into a stream or waterway by the appropriate State or Federal Authority.
65. **"USEPA"** shall mean the United States Environmental Protection Agency or its duly authorized agent.
66. **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. USE OF PUBLIC SEWERS

1. It shall be unlawful, when sewer and/or treatment facilities are available, to discharge to any natural outlet within the District or in any area under the jurisdiction of said District, any sanitary sewage, industrial wastes, or other polluted waters, unless specifically permitted by the Niagara County Sewer District Rules and Regulations, Niagara County Health Department, and except where a State Pollutant Discharge Elimination System (SPDES) permit has been duly issued and is currently valid for such discharge. A valid copy of such a permit and any modifications

paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (e) Any noxious or malodorous substances which can form a gas which, either singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to life or form solids in concentration exceeding limits established in this Law, or creates any other condition deleterious to structures or treatment processes, or required unusual provisions, attentions or expense to handle such material.
- (f) Non-contact Cooling Water shall not be discharged into any public sewer.
- (g) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scums, to be unsuitable for 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 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.
- (h) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause pass-through or interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (i) Any wastewaters containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Administrator in compliance with applicable State or Federal regulations.
- (j) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C), or in such quantities that the temperature at the treatment works influent exceeds one hundred four degrees Fahrenheit (104°F) (40°C). If in the opinion of the Administrator, lower temperatures of such wastes can harm either the sewers, sewer treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance, the Administrator may prohibit such discharges.
- (k) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (l) Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable when the wastes cool to the

temperature prevailing in the wastewater at the POTW treatment plant during the winter season; also any commercial, institutional or industrial wastes containing more than 100 mg/l of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous at any seasonal sewage temperature in the POTW.

- (m) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement; in excess of the concentrations prescribed herein or other substances that exceed the limits established by the Administrator for such materials.

Salts of a heavy metal in solution or suspension in concentrations exceeding the following:

Chromium (Total) as Cr	-	5.33	milligrams per liter
Copper as Cu	-	3.38	milligrams per liter
Zinc as Zn	-	4.66	milligrams per liter
Nickel as Ni	-	4.33	milligrams per liter
Cadmium	-	0.22	milligrams per liter
Arsenic	-	0.40	milligrams per liter
Barium	-	4.0	milligrams per liter
Boron	-	4.0	milligrams per liter
Lead	-	1.00	milligrams per liter
Manganese	-	4.0	milligrams per liter
Mercury	-	0.001	milligrams per liter
Selenium	-	0.02	milligrams per liter
Silver	-	0.66	milligrams per liter

or elements which will damage collection facilities or are detrimental to treatment processes.

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

- (a) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Administrator.
 - (b) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (c) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Administrator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
 - (d) Material which exert or cause:
 - 1] Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - 2] Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
 - 3] Unusual BOD, chemical oxygen demand, or chlorine.
 - (e) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies.
 - (f) Any water or waste that contains more than 10 parts per million of the following gases: Hydrogen sulfide, sulphur dioxide or nitrous oxide.
 - (g) In no case shall corrosive waste be discharged into the sanitary sewer without being first diluted or neutralized in such manner as to render such wastes noncorrosive. These wastes shall be treated by passing through a properly trapped dilution or neutralizing catch basin which shall function automatically.
3. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in paragraph 2 of this Section, and which in the judgment of the Administrator may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Administrator may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of paragraph 7 of this Section.

If the Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plant(s) and equipment shall be subject to the review and approval of the Administrator and subject to the requirements of all applicable codes, rules and laws.

- 4. Grease, oil and sand interceptors shall be provided when, in the opinion of the Administrator they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Administrator and shall be located as to be readily and easily accessible for cleaning and inspection.
- 5. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
- 6. The admission into the public sewers of any waters or wastes of abnormal strength or containing any quantity of substances having the characteristics described in Section 4, or having an average daily flow greater than 2% of the average daily sewage flow of the District, shall be subject to review and approval of the District and the Administrator. Where necessary in the opinion of the District, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to reduce the 5 day B.O.D., suspended solids, phosphate, or other objectionable characteristics or constituents to within the maximum limits provided for in Section

4, or control the quantities and rates of discharge for such waters or wastes. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities, shall be prepared and submitted by a qualified professional engineer for the approval of the Administrator and no construction of such facilities shall be commenced until said approvals are obtained in writing.

7. Where the strength of sewage from an industrial, commercial or institutional establishment exceeds a) 300 parts per million of bio-chemical oxygen demand or b) 300 parts per million by weight of suspended solids or c) the total phosphorous measured as P is greater than 10 parts per million by weight and where such wastes are permitted to be discharged to the sewer system by the District, an added charge, as noted below, will be made against such establishment according to the strength and volume of such wastes.

The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of sampling and testing shall be borne by the Industrial User or establishment, whether owner or lessee. Tests shall be made by an independent laboratory.

Added charges shall be determined by the Niagara County Sewer District in its Rules and Regulations governing Abnormal Pollution Surcharges. These charges shall be based on the cost of operation, maintenance, administration, depreciation, amortization plus sufficient coverage for the sewage works.

8. The owner of any property served by a building sewer carrying industrial wastes, shall install a wastewater flow meter and sampling device in a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Administrator. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. To determine the sewage flow from any establishment, the Administrator may use one of the following methods:
 - (a) The amount of water supplied to the premises by the District or a private water company as shown upon the water meter if the premises are metered, or
 - (b) If the premises are supplied with river water or water from private wells, the amount of water supplied from such sources as estimated by the District from the water, gas or electric supply, or
 - (c) If such premises are used for an industrial or commercial purpose of such a nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the District from the water, gas or electric supply, or
 - (d) The number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a waste water flow meter and sampling device installed by the owner of the property served by the sewer system at the owner's expense in accordance with the terms and conditions of the permit issued by the District pursuant to this section, or
 - (e) A figure determined by the District by any combination of the foregoing or by any other equitable method.
10. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority [as defined in §403.12(a)] may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

SECTION 5 - DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS

1. No person or Industrial User shall discharge or caused to be discharged, directly or indirectly, any industrial wastewater into any sanitary sewer or District interceptor

without first obtaining an Sewer Use Permit in accordance with the Rules & Regulations and the conditions described below:

2. All Significant Industrial Users proposing to connect to or contribute to the POTW shall obtain a Sewer Use Permit before connecting to or contribution to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Sewer Use Permit within 180 days after the effective date of this Law. Users required to obtain a Sewer Use Permit shall complete and file with the District, an application in the form prescribed by the District. Existing Users shall apply for a Sewer Use Permit within ninety (90) days after the effective date of this Law, and proposed new Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the User will be required to submit a Baseline Monitoring Report (BMR) in accordance with 40 CFR 403.12(b), in units and terms appropriate for evaluation, including the following information:
 - (a) Name, address, and location, (if different from address).
 - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended, or its most recent edition.
 - (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 4 of this Law as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR 136, as amended.
 - (d) Time and duration of contribution.
 - (e) Average daily and maximum daily wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewer connections, and appurtenance by the size, location and elevation.
 - (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
 - (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by a State or Federal Pretreatment Standards or

Requirements, and a statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, regarding whether or not the pretreatment standards or requirements are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards or Requirements.

- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards or Requirements; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or Requirement.
- (j) Each product produced by type, amount, process or process and rate of production.
- (k) Type and amount of raw materials processed (average and maximum per day).
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (m) Any other information as may be deemed by the District to be necessary to evaluate the Permit application.

3. A permit may be issued by the Administrator upon receipt of an Industrial Permit Application if, in the Administrator's opinion, the wastewater or the pretreatment of said wastewater will not violate the Sewer Use Law or Rules & Regulations when discharged to the public sewer. The permits shall contain the following:

- (a) Effluent limitations or other appropriate limitations when toxic substances are present in the users wastewater discharge.
- (b) Specifications for monitoring programs which may include sampling, locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedule, when deemed necessary in the opinion of the Administrator.
- (c) Requirements for submission of reports for conditions of non-compliance.
- (d) Requirements for submission of technical reports or discharge reports, including those required by 40 CFR 403.12.
- (e) Pretreatment requirements, when deemed necessary in the opinion of the Administrator.

- (f) Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.
 - (g) Requirements for the installation of inspection and sampling manhole, when deemed necessary in the opinion of the Administrator.
 - (h) Schedule of compliance allowing reasonable time to conform with effluent limitations, when deemed necessary in the opinion of the Administrator.
 - (i) Limits on the average and maximum daily wastewater constituents, flow rates and time of discharge.
 - (j) Requirements for maintaining plant records relating to wastewater discharge for a minimum of 3-years as noted under 40 CFR 403.12(o), or as specified by the Administrator, and affording the Administrator access thereto, including affording the Administrator the opportunity to inspect and copy industrial effluent data and records.
 - (k) The computation and requirement for payment of the industrial waste surcharge, when deemed necessary in the opinion of the Administrator.
 - (l) Other conditions as deemed appropriate by the Administrator to insure compliance with these Rules and Regulations.
 - (m) Requirements for the reporting of slug discharges as required by 40 CFR 403.12(f).
4. The permit's terms and conditions may be subject to modification and change by the Administrator.
5. Maximum time period for the permit to discharge shall be three (3) years. A permit can be extended upon proper application to the Administrator.
6. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. A new permit must be secured.
7. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p). An Industrial User shall apply for a

permit modification if production or process is changed or the wastewater characteristics or flow is altered.

8. No Sewer Use Permit shall be issued at any time for the discharge of uncontaminated wastewaters and/or cooling waters to the sanitary sewer system where there is ample evidence that such wastewaters could be discharged directly to the storm sewers and/or receiving stream without further treatment.
9. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Administrative Board and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Administrative Board subject to payment therefor by the industrial concern, except in the case where such agreement would allow a discharge to violate Federal Categorical Standards as promulgated by the USEPA, or the National Pretreatment Standards as defined in 40 CFR 403.5 (a) and (b).
10. When pretreatment regulations are adopted by the USEPA or the NYSDEC for any Industrial User, then that Industrial User must immediately conform to the USEPA or NYSDEC timetable for adherence to Federal Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the PL 95-217. Additionally, such Industrial Users shall comply with any more stringent standards necessitated by local conditions as determined by the Administrator.
11. **Compliance Schedules:** If additional pretreatment and/or operation and maintenance will be required to meet Pretreatment Regulations; the Industrial User will immediately advise the District of the shortest schedule by which the Industrial User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Regulations.

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (b) No increment referred to in paragraph (a) shall exceed nine (9) months.
- (c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Administrator including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Administrator.

12. **Pretreatment:** Industrial Users shall provide necessary wastewater treatment as required to comply with this Law and shall achieve compliance with all Federal Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Law. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the Industrial User's initiation of the changes.

The District shall annually publish in its official newspapers of the County, a list of the Industrial Users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification

shall also summarize any enforcement actions taken against Industrial Users during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the USEPA or NYSDEC upon request.

13. **Submission of Self-Monitoring Reports:** The District requires the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with pretreatment standards and requirements, including but not limited to the reports required in 403.12 403.8(f)(1)-(iv)(B) CFR.
- (a) The Administrator shall, at least once per year, sample each Significant Industrial Discharge and measure the volume of flow. The data collected shall be used in the calculation of sewer use charges and to determine compliance with these regulations.
 - (b) The Administrator shall require all Significant Industrial Users to determine, at a minimum twice per year at each discharge point to the District sewers, both the volume and characteristics of the wastewater discharged from their facility. The specific requirements of the self-monitoring to be performed shall be identified in the Users's Sewer Use Permit. The results of this self-monitoring are to be evaluated by the User with respect to the limits contained in the User's Sewer Use Permit. If sampling performed by the Industrial User indicates a violation, the User shall notify the Administrator within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Administrator within 30 days after becoming aware of the violation.
 - (c) Samples shall be taken and flow measurements made, whenever economically and technically feasible, at a common manhole into which all industrial wastes from such premise are combined. Such manhole shall be constructed by the Owner of such premises, at the Owner's expense, prior to the issuance of any Sewer Use Permit under this Law. Such manhole shall be maintained by the Owner so as to be safe and accessible at all times. Whenever the installation of such common manhole is deemed by the Owner to be economically and/or technically infeasible, the Owner shall accept the burden of preparing and presenting to the Administrator, an alternative plan whereby the District may obtain that information, (flow and analytical data) which the District deems necessary to the successful operation of their industrial wastewater monitoring program.

- (d) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Law shall be determined in accordance with the methods specified in 40 CFR Part 136 or equivalent methods approved by USEPA, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of any hazards.
 - (e) All reports required to be submitted by Industrial Users under this Law are required to be certified by a responsible corporate officer of the firm and contain the certification statement in 40 CFR 403.6(a)(2)(ii). The Industrial User is required to identify to the Administrator at the time of application, or of renewal of its Sewer Use Permit, all responsible officers who would be authorized to certify any reports required to be submitted to the Administrator by this Law.
- 14. **Random Monitoring:** The District will randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with pretreatment standards at least once per year. The District will evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the elements identified in 40 CFR 403.8(f)(2)(v)(A)(B)(C) and (D).
- 15. **Confidential Information:** Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret process-

es shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination System Permit (SPDES) and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential, may be transmitted to any governmental agency by the District as required under the provisions of 40 CFR 403.8(f)(1)(vii) and 40 CFR 403.14.

16. **Slug Discharges:** In the case of a slug discharge, it is the responsibility of the Industrial User to immediately telephone and notify the District of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
17. **Written Notice:** Within five (5) days following an accidental discharge, the Industrial User shall submit to the Administrator a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
18. **Notice to Employees:** A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

19. **Credit for Intake Pollutants:** Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority [Niagara County Sewer District No. 1 (NCSD No.1)]. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements identified below are met.
- (a) The Industrial User must demonstrate that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - (b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (c) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. **Additional monitoring may be necessary to determine eligibility for credits and compliance with adjusted Standard(s).**
 - (d) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.
 - (e) The applicable categorical pretreatment standards contained in 40 CFR Subchapter N specifically provide that they shall be applied on a net basis.
20. **Deadline for Compliance with Pretreatment Standards:** New Sources shall install had have in operating conditions, and shall "start-up" all pollution control equipment required to meet applicable Federal Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.

SECTION 6. PROTECTION FROM DAMAGE

1. No unauthorized person or Industrial User shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District's sewage works or system.

SECTION 7. POWER AND AUTHORITY OF INSPECTORS

1. The Administrator and/or other duly authorized employees of the District, NYSDEC and/or USEPA bearing proper credentials and identification shall be permitted to enter all industrial properties without advance notice for the purpose of inspection, observation, measurement, sampling, monitoring, and testing in accordance with the provisions of this Law. The District shall also have the right to inspect and copy records pertaining to the Industrial User's self-monitoring procedures. The Administrator shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries if required for determining compliance or noncompliance with applicable pretreatment standards and requirements by the Industrial User, and in accordance with confidentiality agreements.
2. While performing the necessary work on private properties referred to in Section 7, paragraph 1 above, the Administrator and/or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the District employees and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failing of the company to maintain safe conditions as required by this Law.
3. The Administrator and/or other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all non-industrial

private properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage work.

4. The Administrator or duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private, non-industrial, properties after first notifying the owner of said property at least 48 hours in advance of the visit and the proposed entry and the purpose of the inspection, observation, measurement, and/or sampling of any portion of the sewage facilities or factors contained in Section 5.
5. The Administrator may immediately sever any sewer connection when such action is necessary, in the opinion of the Administrator, in order to halt or prevent a discharge which reasonably appears to present an imminent threat to the health or welfare of persons.

The Administrator may issue orders requiring suspension of a discharge when such suspension is necessary to halt or prevent a discharge which presents or may present an endangerment to the environment or threatens to interfere with the operation of any part of the treatment system.

Any Industrial User receiving such an order shall immediately stop or eliminate the contribution. In the event such Industrial User fails to comply voluntarily with the suspension order, the Administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the environment or to the treatment system. The Administrator shall reinstate wastewater treatment service upon proof of the elimination of the non-complying discharge.

The Sewer District shall not be liable for damage or losses occurring as a result of actions taken in accordance with these provisions.

SECTION 8. ENFORCEMENT AND PENALTIES

1. Any violation of Sections 2 or 3 of this Law is hereby declared a violation except as otherwise provided by law.
2. Any violation of Sections 4, 5 or 6 of this Law is hereby declared a misdemeanor except as otherwise provided by Law.
3. The District will consider the following criteria when determining a proper enforcement response among the available enforcement options:
 - (a) magnitude of the violation;
 - (b) duration of the violation;
 - (c) effect of the violation on the receiving water;
 - (d) effect of the violation on the POTW;
 - (e) compliance history of the Industrial User; and
 - (f) good faith of the Industrial User.
4. The following enforcement alternatives may be enacted by the District in response to violations of this Sewer Use Law:
 - (a) **Notice of Violation (NOV)**
The NOV is a letter providing the Industrial User with notice of the violation(s) and the opportunity to correct violations prior to the District's use of other enforcement remedies.
 - (b) **Administrative Fines**
An administrative fine is a monetary penalty assessed by the District for violations of pretreatment standards and requirements. Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or permits and orders issued hereunder, shall be fined in an amount not to exceed five thousand dollars (\$5,000) per violation per day for each day on which noncompliance shall occur or continue.

The User may, within 15 days of notification of such fine, petition the Administrator or an authorized representative to modify or suspend the fine.

Such petition shall be in written form and shall be transmitted to the Administrator by registered mail. The Administrator may:

- (1) Reject any frivolous petitions;
- (2) Modify or suspend the fine;
- (3) Request additional information for the user; or
- (4) Order the petitioner to show cause as described herein.

Administrative fines are punitive in nature and are not related to a specific cost borne by the District. Instead, fines are to recapture the full or partial economic benefit on noncompliance, and to deter future violations.

(c) Administrative Orders

Administrative Orders (AOs) are enforcement documents which direct Industrial Users to either undertake or to cease specified activities. AOs are typically utilized as the first formal response to significant noncompliance (unless judicial proceedings are more appropriate), and may incorporate compliance schedules, administrative penalties, and termination of service orders.

The four (4) types of AOs which the District may employ are:

(1) Cease and Desist Orders

A cease and desist order directs a non-compliant User to cease illegal or unauthorized discharges immediately or to terminate its discharge(s) altogether. The Administrator may issue a cease and desist order in situations where the discharge could cause interference or pass through, or otherwise create an emergency situation.

(2) Consent Orders

The consent order is an agreement between the District and the Industrial User which will normally contain three elements: (1) compliance schedules; (2) stipulated fines or remedial actions; and (3) signatures of District and industry representatives.

(3) Show Cause Hearing

In addition to the provisions listed above and in no way limiting their application, the Administrator may order any offender of a provision of this Law to appear before him or his designated representative to show cause why such offense should not be discontinued. A written notice shall be served upon the offending party, specifying the time and place of said hearing and directing the offending party to show cause why an order should not be issued directing the discontinuance of the offense. The notice shall be served personally or by Certified or Registered Mail. Notice provisions shall be consistent with Civil Penalty Laws of the State of New York relative to Show Cause Hearings and Petitions.

The Administrator shall request the Sewer District's Attorney or his designated representative to be present at such show cause hearings.

(4) Compliance Orders

A compliance order directs the User to achieve or restore compliance by a date specified in the order. The compliance order is usually issued when noncompliance cannot be resolved without construction, repair, or process changes, or when requiring Industrial Users to develop management practices, spill prevention programs and related pretreatment program requirements.

The compliance order will document the noncompliance and state required actions to be accomplished by specific dates, including interim and final reporting requirements.

(d) Civil Litigation

Civil litigation is the formal process of filing lawsuits against Industrial Users to secure court ordered action to correct violations and to secure penalties for violations including the recovery of costs to the POTW of the noncompliance. The District's Attorney is authorized to commence civil litigation in a court of competent jurisdiction to obtain injunctive relief, penalties and damages under any applicable Local, State or Federal statute.

(e) Consent Decrees

Consent decrees are agreements between the District and the Industrial User reached after a lawsuit has been filed. To be binding, the decree must also be signed by the judge assigned to the case.

(f) Injunctive Relief

Whenever an Industrial User has violated or continues to violate the provisions of this Ordinance or permit or order issued hereunder, the Administrator, through Counsel, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the Industrial User.

(g) Civil Penalties and Cost Recovery

Civil litigation may be necessary to recover costs associated with noncompliance and to impose civil penalties. A civil suit commenced by the District's Attorney in a court of competent jurisdiction will seek to require the Industrial User to pay for all expenses which the District incurred in responding to the noncompliance, including restoration of the District's POTW, payment for medical treatment of injured employees, and indemnification of the District for all fines assessed against it for SPDES permit violations.

(h) Termination of Sewer Service

Termination of service is the revocation of an Industrial User's privilege to discharge industrial wastewater into the District's sewer system. Termination

- (g) failure to accurately report noncompliance; or
- (h) any other violation deemed significant by the Control Authority.

(2) Performance Bonds/Liability Insurance

The District may require, through an AO or as part of a consent agreement, a noncompliant Industrial User to post a performance bond covering expenses which the POTW might incur in the event of future violations. This action may require the Industrial User to obtain sufficient liability insurance to cover the cost of restoring the treatment works in the event a second upset occurs.

(3) Increased Monitoring and Reporting

Industrial Users demonstrating a history of noncompliance will be subject to increased surveillance (i.e., sampling and inspections) by the District. Since recurring violations indicate that at least one chronic problem exists at the facility, the District will monitor the user closely and require additional User self-monitoring until the problem is corrected and consistent compliance is demonstrated. For example, where a pretreatment system is found to be inadequate to meet applicable limits, an AO requiring the installation of additional technology may also include increased self-monitoring frequency.

(4) Short Term Permits

The length of a permit's effective period is a discretionary matter. The District can use a permit's duration to force an "early look" at a noncompliant Industrial User by issuing it a short-term permit. In addition to scheduling a comprehensive review of the Industrial User's circumstances, a short-term permit may be used to increase self-monitoring and reporting requirements as well as to impose a compliance schedule which concludes shortly before permit expiration.

SECTION 10. RATES

The rate of sewage service in Niagara County Sewer District No. 1 will be based on charges, as set by the Administrative Board of the Niagara County Sewer District in its Rules and Regulations.

SECTION 11. RULES AND REGULATIONS

The District shall have the authority to make such Rules and Regulations as it deems advisable, desirable, and necessary to implement the terms and conditions of this Law.

SECTION 12. CORRELATION AND INTENT OF LAW, RULES & REGULATIONS

The terms, conditions, rules, regulations, definitions, requirements, restrictions, use, charges, rates, permits, power and authority of inspectors and engineers, and penalties contained in this Sewer Use Law and any and all Rules and Regulations of the Sewer District are complementary, and what is called for by any one shall be as binding as if called for by both.

SECTION 13. VALIDITY

1. The provisions of this law are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm, or corporation, or to any circumstances, shall be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, work, phrase, clause or term, and they shall continue in full force and effect.
2. All laws and parts of laws, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Law, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the

adoption and enforcement of a law, code or regulation which is more restrictive or establishes a higher standard than those provided in this Law.

3. This Law shall supersede all prior laws and ordinances in conflict therewith.

SECTION 14. EFFECTIVE DATE

This Law shall take effect immediately.