

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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
Village

of PAVILION

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 04 2006

MISCELLANEOUS
& STATE RECORDS

Local Law No. 4 of the year 20 06

A local law *Town of Pavilion Sanitary Sewer District Use Law.*
(insert title)

Be It enacted by the Town Board of the
(name of Legislative Body)

County
City
Town
Village

of PAVILION

as follows:

See Attachment

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 4 of 2006 of the (County)(City)(Town)(Village) of Pavilion was duly passed by the Town Board on July 27 2006, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__,
(Name of Legislative Body) *(Elective Chief Executive Officer*)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__, 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 _____ 20__, 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 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__, Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 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 chairperson 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.)

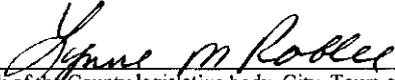
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 county as a unit and 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.



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

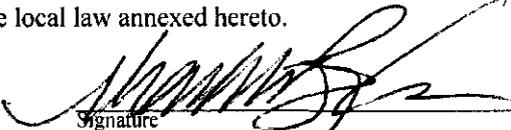
(Seal)

Date: 7/27/06

(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 _____

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
 Town Attorney

Title

County _____
City, Town or Village of Pavilion

Date: 7/27/06

Town of Pavilion
Sanitary Sewer District
Sewer Use Law

July 2006

Town of Pavilion Sanitary Sewer District
Sewer Use Law

**Town of Pavilion Sanitary Sewer District
Sewer Use Law**
(which incorporates Federal pretreatment language

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Town of Pavilion
Sanitary Sewer District
Sewer Use Law

Article 1 Short Title and Purpose

Section 101 Short Title

Section 102 General Purpose

Section 103 Specific Purposes

Section 101 - Short Title

For brevity and ease of communication, this Law may be cited as the Town of Pavilion Sanitary Sewer District.

Section 102 - General Purpose

The general purpose of this Law is the following:

To provide for efficient, economic, environmentally safe, and legal operation of the Town of Pavilion Sanitary Sewer District Publicly Owned Treatment Works.

Section 103 - Specific Purposes

The specific purposes of this Law are the following:

1. To prevent the introduction of substances into the Publicly Owned Treatment Works that will:
 - a. interfere with the Publicly Owned Treatment Works in any way,
 - b. pass through the Publicly Owned Treatment Works to the state's waters and cause contravention of standards for those waters or cause violation of the Publicly Owned Treatment Works's SPDES permit,
 - c. increase the cost or otherwise hamper the disposal of Publicly Owned Treatment Works sludge and/or residuals,
 - d. endanger municipal employees,
 - e. cause air pollution, or groundwater pollution, directly or indirectly,
 - f. cause, directly or indirectly, any public nuisance condition.
2. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
3. To assure that new sewers and connections are properly constructed.

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4. To provide for equitable distribution to all users of the Publicly Owned Treatment Works of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

End of Article 1

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Article 2 Definitions

Section 201 Defined Terms

Section 202 Abbreviations

Section 203 Undefined Terms

Section 201 - Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

Abnormal Sewage - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

Act or "THE ACT" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

Administrator - The Regional Administrator of the U. S. Environmental Protection Agency (USEPA), Region 2.

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 an owner, new or old, or his agent.

Approval Authority - The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA.

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.

ASTM, denoting American Society for Testing and Materials - The latest edition of any ASTM specification, when stipulated in this Law.

Authorized Representative of the Industrial User - An authorized representative of the industrial user may be :

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- (a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (b) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD, denoting Biochemical Oxygen Demand - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

Builder - Any person who undertakes to construct a building or any part of a building, either under contract or for resale.

Building Drain - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

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

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

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

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

Connection - Attachment of one user to a sewer. (See Extension)

Connection Charge (Tap Fee) - The one time application fee to offset the Town of Pavilion Sanitary Sewer District expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost,

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and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

Control Authority - The term shall refer to "Approval Authority", or to the superintendent when (-CVT-) has an approved pretreatment program under the provisions of 40 CFR 403.11.

Control Manhole - A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

Conventional Pollutant - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

Cooling Water - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

County - Genesee County, New York

Developer - Any person who subdivides land for the purpose of constructing, or causing to be constructed, buildings for which wastewater disposal facilities are required.

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

Domestic Wastes - see Sewage, Domestic.

Dry Sewers - The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

End of Pipe - For the purpose of determining compliance with limitations prescribed by Article 9, end of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

End of Pipe Concentration - The concentration of a substance in a sample of wastewater at end of pipe.

End of Process Concentration - see National Categorical Pretreatment Standard.

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

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

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regulations. Also may be used as a designation for the Administrator or other duly authorized official of this Agency.

Extension - Attachment of a sewer line, with more than one user, to an existing sewer line.

Facility - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

Floatable Oil - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

Flow Rate - The quantity of liquid or waste that flows in a certain period of time.

Garbage - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

Grab Sample - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

ICS Form - The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

Indirect Discharge - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters.
(For reference, see Direct Discharge)

Industrial - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

Industrial Chemical Survey (ICS) - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

Industrial User - See User, Industrial

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

Infiltration - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or man-holes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

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Inflow - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

Interference - A discharge which, alone or in conjunction with discharges by other sources,

- (a) inhibits or disrupts 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 Town of Pavilion Sanitary Sewer District POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):
 - 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, Building - The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

Lateral, Street - The sewer extension from the public sewer to the property line.

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 Pollutant Discharge Elimination System (NPDES) Permit - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

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.

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Natural Outlet - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

New Owner - That individual or entity who purchased property within the Service Area of the Town of Pavilion Sanitary Sewer District after the effective date of this law.

New Source - Any source, the construction of which is commenced after the publication of the proposed regulation prescribing a Section 307 (C) (33 U.S.C 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated.

New User - A discharger to the POTW who commences discharge after the effective date of this Law.

Normal Sewage - see Sewage, Normal.

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

Oil and Grease - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

Old Owner - That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, who or inherited the property at any time and intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

Other Wastes - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

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

Permit - A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Law.

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.

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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.

Phosphorus, total - See total phosphorus.

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

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

Pretreatment (Treatment) - The reduction of the amount of pollutants, the elimination 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 a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, 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, other than a National Pretreatment Standard imposed on an industrial user.

Pretreatment Standard or National Pretreatment Standard - Any Categorical Standard or Prohibitive Discharge Standard.

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

Prohibitive Discharge Standard - see National Prohibitive Discharge Standard.

Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

POTW Treatment Plant - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

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

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Receiving Waters - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

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 law, records shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

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

Septage - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

Septic Tank - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements.

Service Area of the POTW - The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town of Pavilion Sanitary Sewer District.

Sewage - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage", within the meaning of this definition.

Sewage, Domestic (Domestic Wastes) - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary)

Sewage, Normal - Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- (a) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.

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- (b) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (c) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (d) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- (e) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (f) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less
- (g) Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less.

In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

Sewage, Sanitary - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes)

Sewage Treatment Plant (Water Pollution Control Plant) - see POTW Treatment Plant

Sewage, Unusual Strength or Character - Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

Sewer - A pipe or conduit for carrying or transporting sewage.

Sewer, Combined - A sewer designed to receive and transport both surface runoff and sewage.

Sewer, Public - A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the Town of Pavilion Sanitary Sewer District.

Sewer, Sanitary - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

Sewer, Storm (Storm Drain) - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

Sewerage System (also POTW) - All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

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Sewerage Surcharge - The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

Significant Industrial User - see User, Significant Industrial

Significant Non-Compliance (SNC) - A User is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under Article 11 of this Law;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance
- (f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to report accurately any non-compliance;
- (h) Any other violation which the Superintendent determines will adversely affect the implementation or operation of the local pretreatment program.

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Slug - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

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

State - State of New York.

State's Waters - See Waters of the State.

Storm Water - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

Substances of Concern - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

Sump Pump - A mechanism used for removing water from a sump or wet well.

Suspended Solids - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

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

Total Phosphorus - The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

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Toxic Substances - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

User - Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

User, Existing - A discharger to the POTW who is discharging on or before the effective date of this Law.

User, Industrial - A discharger to the POTW who discharges non-domestic wastewaters.

User, New - A discharger to the POTW who initiates discharge after the effective date of this Law.

User, Significant Industrial (SIU) - An industrial user of the POTW who is:

- (a) Subject to National Categorical Pretreatment Standards promulgated by the EPA,
- (b) Having substantial impact, either singly or in combination with other industries, on the operation of the treatment works,
- (c) 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,
- (d) Discharging more than five percent (5%) of the flow or load of conventional pollutants received by the POTW treatment plant.

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

Volume Charge (User Charge) - The demand sewer use charge which is based, in part or wholly, on the volume of normal sewage discharged into the POTW (there may be surcharges, as provided for in Article 12). The volume charge shall be based on a specific cost per 100 cubic feet or per 1,000 gallons. The specific charge shall be subject to approval by the (-CVT-) Board. The moneys so obtained shall be used for current operation and maintenance, for retirement of bonded indebtedness, and for funding of capital projects, of the POTW. The basis of volume charge calculations shall be made available to the public, on demand, as provided in Article 13. The volume charge shall be recalculated annually, as well as the surcharge rates.

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Wastewater - The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater Discharge Permit - A permit as set forth in Article 10 of this Law.

Wastewater, Unusual Strength or Character - see Sewage, Unusual Strength or Character.

Waters of the State (State's Waters) - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Section 202 - Abbreviations

The following abbreviations shall have the designated meanings:

ANSI	-	American National Standards Institute
ASTM	-	American Society for Testing and Materials
AWWA	-	American Water Works Association
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
CPLR	-	Code of Public Law and Rules
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
L	-	Liter
Mg	-	Milligram
Mg/l	-	Milligrams per liter
NCPI	-	National Clay Pipe Institute
NPDES	-	National Pollutant Discharge Elimination System
NYSDEC	-	New York State Department of Environmental Conservation
NYSDOH	-	New York State Department of Health
NYSDOT	-	New York State Department of Transportation
P	-	Total Phosphorus
PSI	-	Pounds per Square Inch
POTW	-	Publicly Owned Treatment Works
PPM	-	Parts per Million, weight basis
SIC	-	Standard Industrial Classification
SPDES	-	State Pollutant Discharge Elimination System
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.
U.S.C.	-	United State Code of Laws
USEPA	-	United State Environmental Protection Agency
TSS	-	Total Suspended Solids

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Section 203 - Undefined Terms

Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

End of Article 2

Article 3 Use of Public Sewers Required

Section 301 Waste Disposal Unlawful

Section 302 Connecting Private Sewage System to Storm Sewer Unlawful

Section 303 Discharge of Sewage into Well Prohibited

Section 304 Wastewater Discharge Unlawful

Section 305 Building Permit Allowed Only When Approved Wastewater Disposal Available

Section 306 Private Wastewater Disposal Unlawful

Section 307 Connection to Public Sewer Required

Section 308 Limitation on Use of Public Sewers

Section 309 Wastewater from Outside the POTW Service Area Inter-municipal Agreements

Section 310 Moratorium

Section 311 Basis of Sewer Use Requirement

Section 301 - Waste Disposal Unlawful

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Town of Pavilion Sanitary Sewer District or in any area under the jurisdiction of the said municipality, any human or animal excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

Section 302 - Connecting Private Sewage System to Storm Sewer Unlawful

No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

Section 303 - Discharge of Sewage into Well Prohibited

No person shall discharge sewage into a well.

Section 304 - Wastewater Discharge Unlawful

It shall be unlawful to discharge to any natural outlet, within Town of Pavilion Sanitary Sewer District, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater dis-

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posal, conforming to this Law, is available. All housing construction or building development which takes place after this Law is enacted shall provide for an approved system of sanitary sewers.

Section 306 - Private Wastewater Disposal Unlawful

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater.

Section 307 - Connection to Public Sewer Required

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Pavilion Sanitary Sewer District, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Section 308 - Limitation on Use of Public Sewers

The use of the Town of Pavilion Sanitary Sewer District public sewers shall be strictly limited and restricted, except as provided in Section 307, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the Service Area of the POTW.

Section 309 - Wastewater from Outside the POTW Service Area - Inter-municipal Agreements

The Town of Pavilion Sanitary Sewer District, on the recommendation of the Pavilion Sanitary Sewer District Agent or representative, shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law.

If the person is not a municipality the acceptance shall be made only with the expressed written consent of the Pavilion Sanitary Sewer District Agent or representative (the issuance of a permit) setting forth the terms and conditions of such an acceptance.

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Section 310 - Moratorium

At the recommendation of the Pavilion Sanitary Sewer District Agent or representative, who determines that:

- (1) one or more segments of the POTW is exceeding its hydraulic capacity at any time
- (2) any specific purpose of this Law is being violated

The Town of Pavilion Sanitary Sewer District shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

- (1) construction of new facilities
- (2) enlarging existing facilities
- (3) correction of inflow and infiltration
- (4) cleaning and repairing of existing facilities

Section 311 - Basis of Sewer Use Requirement

All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the POTW, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town of Pavilion Sanitary Sewer District, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

End of Article 3

Article 4 Private Wastewater Disposal

Section 401 Public Sewer Unavailable - Private Wastewater Disposal Required

Section 402 Connection of Two Buildings to the Same Septic Tank Prohibited

Section 403 Construction Permit Application

Section 404 Construction Permit

Section 405 Preventing Nuisances - Rehabilitation Required

Section 406 Sanitary Operation Required

Section 407 Septage Removal

Section 408 Direct Connection to New Public Sewers Required

Section 409 Additional Requirements

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required

Where a public sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of the Rules and Regulations of the NYSDOH, to be enforced by the Pavilion Sanitary Sewer District Agent or representative, and/or the Genesee County Department of Health.

Section 402 - Connection of Two Buildings to the Same Septic Tank Prohibited

No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and tile absorption field.

Section 403 - Construction Permit Application

A completed application form, containing results of percolation tests, computations, and a plot plan, including the design and cross-section of the wastewater disposal system, in relation to lot lines, adjacent and on-site well or water supply, and buildings, shall be submitted to the Genesee County Department of Health in accordance with their requirements. A fee, established by the Genesee Article 12, shall accompany the application. The wastewater disposal system shall be designed by a professional engineer, licensed surveyor, or architect, and shall be in accordance with the NYSDOH - "Standards for Waste Treatment Works", or NYSDEC "Standards for Commercial and Institutional Facilities", as appropriate.

Section 404 - Construction Permit

A written construction permit shall be obtained from the Genesee County Department of Health before construction commencement. A designated representative of the Genesee County Department of Health, or the Pavilion Sanitary Sewer District Agent or representative, shall be permitted to inspect the construction work at any stage, without prior notice.

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Section 405 - Preventing Nuisances - Rehabilitation Required

When the liquid or liquid-borne effluent from a private wastewater disposal system enters any watercourse, ditch, storm sewer, or water supply system, located in the Town of Pavilion Sanitary Sewer District, in such a manner, volume, and concentration so as to create a hazardous, offensive, or objectionable condition, in the opinion of the Pavilion Sanitary Sewer District Agent or representative, the Genesee County Health Department, or the NYSDOH, the owner of the premises upon which such wastewater disposal system is located, upon receiving written notice from the Genesee County Department of Health, to do so, shall, within ninety (90) days, after receipt of such notice, repair, rebuild, or relocate such wastewater disposal system for the purpose of eliminating such hazardous, offensive, or objectionable conditions. The repair, rebuilding, or relocation of the system shall be accomplished in accordance with the rules and regulations of the NYSDOH and the Genesee County Department of Health, at the owner's expense.

Section 406 - Sanitary Operation Required

The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

Section 407 - Septage Removal

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of trucked and hauled wastes, at three year intervals or more frequently.

Section 408 - Direct Connection to New Public Sewers Required

At such time that a public sewer becomes available to a property, a direct connection shall be made to the public sewer, in compliance with this Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate.

Section 409 - Additional Requirements

No statement in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Genesee County Department of Health or the Pavilion Sanitary Sewer District Agent or representative, to protect public health and public welfare.

End of Article 4

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Article 5 New Sewers or Sewer Extensions

Section 501 Proper Design

Section 502 New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

Section 503 Design Review

Section 501 - Proper Design

New sanitary sewers and all extensions to sanitary sewers owned and operated by the Town of Pavilion Sanitary Sewer District shall be designed, by a professional licensed to practice engineering in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be in accordance with the Town of Pavilion Sanitary Sewer District's "Design Criteria and Construction Specifications" current at the time they are submitted. In the absence of adopted Design Criteria and Construction Standards, all materials shall conform to the requirements of the Sewer District No. 1 Conformance Plans and Specifications. Plans and specifications shall be submitted to, and written approval shall be obtained from the Pavilion Sanitary Sewer District Agent or representative, the Genesee County Department of Health, and the NYSDEC, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

If, however, there is inadequate capacity in any sewer which would convey the wastewater or if there is insufficient capacity in the POTW treatment plant to treat the wastewater properly, the application shall be denied. Sewer line and POTW treatment plant current use shall be defined as the present use and the unutilized use which has been committed, by resolution, to other users by the Town of Pavilion Sanitary Sewer District.

Section 502 - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Pavilion Sanitary Sewer District Agent or representative and the Genesee County Health Department, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire installation, including a proportionate share of the treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other Town of Pavilion Sanitary Sewer District expenses incidental thereto. Each street lateral shall be installed and inspected pursuant to Article 6, and inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified the Town of Pavilion Sanitary Sewer District's "Design Criteria and Construction Specifications" and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the Pavilion Sanitary

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Sewer District Agent or representative, without prior notice. The Pavilion Sanitary Sewer District Agent or representative shall determine whether the work is proceeding in accordance with the approved plans and specifications, and whether the completed work will conform with the approved plans and specifications. The sewer, as constructed, must pass the all required tests, before any building lateral is connected thereto. The Pavilion Sanitary Sewer District Agent or representative shall be notified 30 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Town of Pavilion Sanitary Sewer District until such construction inspections have been made so as to assure the Town of Pavilion Sanitary Sewer District of compliance with this Law and any amendments or additions thereto. The Pavilion Sanitary Sewer District Agent or representative has the authority to require such excavation as necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction.

Section 503 - Design Review and Review Fees

When a property owner, builder or developer proposes to construct sanitary sewers or extensions to sanitary sewers, the plans and specifications shall be submitted to the Pavilion Sanitary Sewer District Agent or representative in accordance with Section 501. At the discretion of the Pavilion Sanitary Sewer District Agent or representative the plans will be reviewed by the District staff and/or a licensed professional engineer designated by the Pavilion Sanitary Sewer District Agent or representative. The cost of this review will be paid by the property owner, builder or developer submitting the plans and specifications for approval. This cost will be determined in accordance with the Town of Pavilion Sanitary Sewer District's policies in effect at the time the plans and specifications are submitted.

End of Article 5

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Article 6 Building Laterals, Street Laterals, Connections, and Fees

Section 601 A	Permit Required for Sewer Connections
Section 601 B	Inflow/Infiltration Prohibited
Section 602	Sewer Lateral Permits
Section 603 A	New Building Laterals
Section 603 B	Laterals Serving Several Buildings
Section 603 C	Laterals Serving Complexes
Section 603 D	Dry Sewers
Section 604	Using Existing Building Laterals
Section 606 C	Special Manhole Requirements
Section 607	Laterals At and Near Buildings
Section 608	Sewage Lifting
Section 611 A	Building Lateral/Street Lateral Connection
Section 611 B	Cleanout Repair/Replacement
Section 611 C	Street Lateral Replacement; Ownership
Section 613 A	Connection Inspection
Section 613 B	Trench Inspections
Section 614	Public Safety Provisions Required; Restoration of Disturbed Areas
Section 615	Interior Clean-Out
Section 616	Costs Borne by Owner

Section 601 A - Permit Required for Sewer Connections

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Pavilion Sanitary Sewer District Agent or representative.

Section 601 B - Inflow/Infiltration Prohibited

No person shall discharge or cause to be discharged any storm, cooling water, or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer.

Section 602 - Sewer Lateral Permits

There shall be two classes of sewer lateral permits:

- (1) For residential, commercial, and institutional service,
- (2) For service to establishments producing industrial wastes.

In either case, a permit application shall be submitted to the Pavilion Sanitary Sewer District Agent or representative. The permit application shall be supplemented by any plans,

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specifications, or other information considered pertinent, in the judgment of the Pavilion Sanitary Sewer District Agent or representative. A fee, for residential, commercial, institutional and industrial users, as established by the Town of Pavilion Sanitary Sewer District Board, shall accompany the application.

Connections to existing manholes shall be made as directed by the Pavilion Sanitary Sewer District Agent or representative.

Section 603 A - New Building Laterals

A separate and independent building lateral shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Pavilion Sanitary Sewer District Agent or representative has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be

- (1) exposed and totally encapsulated in not less than three inches of concrete, or
- (2) exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Pavilion Sanitary Sewer District Agent or representative. No new manholes shall be constructed on the portion of the lateral under the building.

Section 603 B -Laterals Serving Several Buildings

When building laterals are to serve multiple dwelling structures, the building lateral shall be sized in accordance with the metered water use and with sound professional engineering judgment.

Section 603 C - Laterals Serving Complexes

Where a lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the building lateral system shall be required. Such lateral sewer shall be connected to the public sewer through a manhole. The Pavilion Sanitary Sewer District Agent or representative shall determine if and where this connection to the public sewer is required. If required, a new manhole shall be installed in the public sewer and the lateral connection made and tested as directed by the Pavilion Sanitary Sewer District Agent or representative. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

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Section 603 D - Dry Sewers

Dry Sewers shall be designed and installed in accordance to this Law.

Section 604 - Using Existing Building Laterals

Existing building laterals may be used in connection with new buildings only when they are found, on examination by the Pavilion Sanitary Sewer District Agent or representative, to meet all requirements of this local Law.

Section 606 C - Special Manhole Requirements

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Pavilion Sanitary Sewer District Agent or representative, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Pavilion Sanitary Sewer District Agent or representative shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Pavilion Sanitary Sewer District Agent or representative. If required, a new manhole shall be installed in the public sewer and the lateral connection made thereto as directed by the Pavilion Sanitary Sewer District Agent or representative.

Section 607 - Laterals At and Near Buildings

Building laterals laid parallel to a bearing wall shall not be installed closer than three (3) feet to such wall. The building lateral shall enter the basement through the basement wall no less than twelve (12) inches above the basement floor. In no event shall any building lateral be placed below the basement floor, except with the expressed written approval of the Pavilion Sanitary Sewer District Agent or representative.

The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90 degrees or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 608 - Sewage Lifting

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Pavilion Sanitary Sewer District Agent or representative.

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Section 611 A - Building Lateral/Street Lateral Connection

- (1) The connection of the building lateral to an existing street lateral shall be made at the property line. If a street lateral has not previously been provided, the street lateral will be constructed from the existing public sewer to the property line, at the owner's expense. The street lateral shall be installed with a properly sealed and covered clean-out to grade located at the property line. The clean-out shall terminate in a metal box imbedded in concrete.
- (2) The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.
- (3) The property owner shall indemnify the Town of Pavilion Sanitary Sewer District from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.
- (4) It shall be the responsibility of the property owner to maintain, repair, or replace the building lateral, as needed.
- (5) The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material, and, in all cases, shall be approved by the Pavilion Sanitary Sewer District Agent or representative. After installation of the street lateral has been approved by the Pavilion Sanitary Sewer District Agent or representative, the new street lateral shall become the property of the Town of Pavilion Sanitary Sewer District. Any subsequent repairs to the new street laterals shall be made by the Town of Pavilion Sanitary Sewer District at the Town of Pavilion Sanitary Sewer District's expense.

Section 611 B - Cleanout Repair/Replacement

If, in the judgment of the Pavilion Sanitary Sewer District Agent or representative, it is determined that a building lateral, without a property line clean-out, needs repair or replacement, the Town of Pavilion Sanitary Sewer District may install a clean-out at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

Section 611 C - Street Lateral Replacement; Ownership

Any existing street lateral which, upon examination by the Pavilion Sanitary Sewer District Agent or representative, is determined to be in need of replacement will be replaced with a new street lateral with a property line clean-out. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and clean-out shall be

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at the property owner's expense. Once the replacement street lateral and clean-out have been constructed and approved by the Pavilion Sanitary Sewer District Agent or representative, the new street lateral shall become the property of the Town of Pavilion Sanitary Sewer District. Any repairs to new street laterals shall be made by the Town of Pavilion Sanitary Sewer District at the Town of Pavilion Sanitary Sewer District's expense.

Section 613 A - Connection Inspection

The applicant for the building lateral permit shall notify the Pavilion Sanitary Sewer District Agent or representative when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the Pavilion Sanitary Sewer District Agent or representative.

The applicant for the street lateral permit shall notify the Pavilion Sanitary Sewer District Agent or representative when the street lateral is ready for inspection and connection is to be made to the main sewer. The connection shall be made under the supervision of the Pavilion Sanitary Sewer District Agent or representative.

Section 613 B - Trench Inspections

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes, such trenches shall be inspected by the Pavilion Sanitary Sewer District Agent or representative. Before the trenches are backfilled, the person performing such work shall notify the Pavilion Sanitary Sewer District Agent or representative when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Pavilion Sanitary Sewer District Agent or representative.

Section 614 - Public Safety Provisions Required; Restoration of Disturbed Areas

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Pavilion Sanitary Sewer District Agent or representative. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. Shortly thereafter the Town of Pavilion Sanitary Sewer District Department of Public Works (DPW) shall complete road and shoulder restoration to the Town of Pavilion Sanitary Sewer District Standards. The cost for such final road and shoulder restoration by the DPW shall be included with the fees paid with the application for the permit required in Section 602.

Section 615 - Interior Clean-Out

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45-degree branch

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with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral.

The cleanout diameter shall be no less than the building lateral diameter.

Section 616 - Costs Borne by Owner

All costs associated with the provisions of this Article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Town of Pavilion Sanitary Sewer District. The property owner shall indemnify the Town of Pavilion Sanitary Sewer District from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, and connections and appurtenances.

End of Article 6

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Article 7 Inflow

Section 701 New Inflow Sources Prohibited

Section 702 Existing Inflow Sources Disconnected

Section 703 Existing Inflow Sources Disconnected When Property Sold

Section 704 No Re-connection of Inflow Source Allowed

Section 705 Charges for Inflow

Section 701 - New Inflow Sources Prohibited

No connections shall be made to a sanitary or to a combined sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges, or other sources of inflow.

Section 702 - Existing Inflow Sources Disconnected

For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Pavilion Sanitary Sewer District Agent or representative, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Pavilion Sanitary Sewer District Agent or representative, prior to the sale of the property.

Section 703 - Existing Inflow Sources Disconnected When Property Sold

Upon notice from the Tax Assessor, the Pavilion Sanitary Sewer District Agent or representative shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.

Section 704 - No Re-connection of Inflow Source Allowed

It shall be a willful violation of this Law for any person to reconnect any inflow source which has been disconnected pursuant to this Article.

Section 705 - Charges for Inflow

The Pavilion Sanitary Sewer District Agent or representative is enabled to take whatever action is necessary to determine the amount of inflow including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article 12, however, the Town of Pavilion Sanitary Sewer District Board may cause a surcharge at a rate not to exceed five (5) times that for normal sewage volume charge.

End of Article 7

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Article 8 Trucked or Hauled Waste

Section 801 Licenses and Application

Section 802 Concurrent Requirements

Section 803 Dumping Location and Timing

Section 804 Notification of Dumping

Section 801 - Licenses and Application

The discharge of trucked or hauled wastes into the Town of Pavilion Sanitary Sewer District sewer system and public sewers tributary thereto will be permitted only with the written approval (license) of the Pavilion Sanitary Sewer District Agent or representative. Applicants for such license shall apply on a form provided by the Pavilion Sanitary Sewer District Agent or representative. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Pavilion Sanitary Sewer District Agent or representative may require, to determine whether the trucked or hauled wastes could adversely impact the POTW. The application shall be accompanied by a fee prescribed by the Pavilion Sanitary Sewer District Agent or representative.

The licensee of trucked or hauled wastes will also be charged a fee for each dumping, in accordance with Article 12. The dumping fee shall be paid prior to dumping.

Section 802 - Concurrent Requirements

The applicant for a license to truck or haul wastes shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any license application, shall be grounds for invalidating the license. All licenses, issued by the Pavilion Sanitary Sewer District Agent or representative, for this purpose, shall be for one (1) year. The licensee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the license issued under this Article shall become invalid immediately. All acts performed in connection with the license shall be subject to the inspection and regulations, as established by the Pavilion Sanitary Sewer District Agent or representative, the terms and conditions of the license and all local and general laws, ordinances, and regulations which are now or may come into effect, and such license may be suspended or revoked, at any time, by the Pavilion Sanitary Sewer District Agent or representative for willful, continued, or persistent violation thereof.

Section 803 - Dumping Location and Timing

The Pavilion Sanitary Sewer District Agent or representative may require discharging at only certain locations within the POTW, and only at certain times, and on only certain days of the week, or seasons of the year as shall be stated on said license or as may be relocated by the Pavilion Sanitary Sewer District Agent or representative, after appropriate notice. The time and

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conditions for permissible discharge shall be as set forth on the license, or as may be revised by the superintendent, after appropriate notice.

Section 804 - Notification of Dumping

Each discharge of trucked or hauled wastes shall be made only with the approval of the Pavilion Sanitary Sewer District Agent or representative. The Pavilion Sanitary Sewer District Agent or representative may require inspection, sampling, and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling, and analysis shall be paid by the licensee.

End of Article 8

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Article 9 Discharge Restrictions

- Section 901 Pretreatment Standards**
- Section 902 General Prohibitions**
- Section 903 Concentration Based Limitations**
- Section 904 Mass Discharge Based Limitations**
- Section 905 Modification of Limitations**
- Section 906 Access to User's Records**
- Section 907 Dilution**
- Section 908 Grease, Oil, and Sand Interceptors**
- Section 909 Solid Waste Grinders**
- Section 910 Rejection of Wastewater**

Section 901 - Pretreatment Standards

All users of the Town of Pavilion Sanitary Sewer District POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR Parts 406 - 471.

Section 902 - General Prohibitions

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. 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 may not contribute the following substances to the POTW:

- (1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town of Pavilion Sanitary Sewer District, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.

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- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.

- (5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- (6) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.
- (7) Any wastewater which will cause interference or pass through.
- (8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
- (9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The

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Pavilion Sanitary Sewer District Agent or representative reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.

- (10) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.
- (11) Any wastewater containing any radioactive wastes except as approved by the Pavilion Sanitary Sewer District Agent or representative, and in compliance with applicable State and Federal regulations.
- (12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.
- (13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.
- (14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

Section 903 - Concentration Based Limitations

No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations).

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Effluent Concentration Limit - Mg/L

Substance (1)	Allowable Average Daily (2)
Aluminum	See NYSDEC Title 6, Chapter X Parts 700-706
Antimony	See NYSDEC Title 6, Chapter X Parts 700-706
Arsenic	See NYSDEC Title 6, Chapter X Parts 700-706
Barium	See NYSDEC Title 6, Chapter X Parts 700-706
Beryllium	See NYSDEC Title 6, Chapter X Parts 700-706
Bismuth	See NYSDEC Title 6, Chapter X Parts 700-706
Bromine	See NYSDEC Title 6, Chapter X Parts 700-706
Cadmium	See NYSDEC Title 6, Chapter X Parts 700-706
Chlorides	See NYSDEC Title 6, Chapter X Parts 700-706
Chlorine	See NYSDEC Title 6, Chapter X Parts 700-706
Chromium (hex)	See NYSDEC Title 6, Chapter X Parts 700-706
Chromium (tot)	See NYSDEC Title 6, Chapter X Parts 700-706
Cobalt	See NYSDEC Title 6, Chapter X Parts 700-706
Copper	See NYSDEC Title 6, Chapter X Parts 700-706
Cyanide (complex)	See NYSDEC Title 6, Chapter X Parts 700-706
Cyanide (free)	See NYSDEC Title 6, Chapter X Parts 700-706
Fluorides	See NYSDEC Title 6, Chapter X Parts 700-706
Gold	See NYSDEC Title 6, Chapter X Parts 700-706
Iodine	See NYSDEC Title 6, Chapter X Parts 700-706
Iron	See NYSDEC Title 6, Chapter X Parts 700-706
Lead	See NYSDEC Title 6, Chapter X Parts 700-706
Manganese	See NYSDEC Title 6, Chapter X Parts 700-706
Mercury	See NYSDEC Title 6, Chapter X Parts 700-706
Molybdenum	See NYSDEC Title 6, Chapter X Parts 700-706
Nickel	See NYSDEC Title 6, Chapter X Parts 700-706
Phenols, total	See NYSDEC Title 6, Chapter X Parts 700-706
Selenium	See NYSDEC Title 6, Chapter X Parts 700-706
Silver	See NYSDEC Title 6, Chapter X Parts 700-706
Sulfates	See NYSDEC Title 6, Chapter X Parts 700-706
Sulfides	See NYSDEC Title 6, Chapter X Parts 700-706
Tin	See NYSDEC Title 6, Chapter X Parts 700-706
Titanium	See NYSDEC Title 6, Chapter X Parts 700-706
Vanadium	See NYSDEC Title 6, Chapter X Parts 700-706
Zinc	See NYSDEC Title 6, Chapter X Parts 700-706

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- (1) Except for chromium (hex), all concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.
- (2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day. Class C Stream.
- (3) Other substances which may be limited are:
 - alkanes, alkenes and alkynes
 - aliphatic and aromatic alcohols and acids
 - aliphatic and aromatic aldehydes and ketones
 - aliphatic and aromatic esters
 - aliphatic and aromatic halogenated compounds
 - aliphatic and aromatic nitro, cyano and amino compounds
 - antibiotics
 - benzene derivatives
 - chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW, produce toxic, flammable, or explosive compounds
 - pesticides, including algicides, fungicides, herbicides, insecticides, rodenticides
 - polyaromatic and polynuclear hydrocarbons
 - total toxic organics, TTO, as defined in 40 CFR 433.11
 - toxic organic compounds regulated by Federal Pretreatment Standards unsaturated aliphatics, including those with an aldehyde, ketone or nitrile functional group
 - viable pathogenic organisms from industrial processes or hospital procedures

Section 904 - Mass Discharge Based Limitations

At no time shall the influent to the POTW contain excess quantities of the substances listed under Section 903.

The Pavilion Sanitary Sewer District Agent or representative shall determine the total allowable influent load of each substance from significant industrial users. In determining the total load of each substance that significant industrial users shall be allowed to discharge, the superintendent shall consider:

- (1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater,

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- (2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable,
- (3) historical discharge trends,
- (4) past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance,
- (5) potential for growth in the POTW service area,
- (6) potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method, and
- (7) treatability of the substance. The superintendent shall apply a minimum 15 % safety factor to be protective of the POTW.

To assure that the total loads so calculated, for each substance, are not violated, the Pavilion Sanitary Sewer District Agent or representative shall issue permits to significant industrial users limiting discharge loads.

Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under section 903.

Section 905 - Modification of Limitations

Limitations on wastewater strength or mass discharge contained in this Law may be supplemented with more stringent limitations when, in the opinion of the Pavilion Sanitary Sewer District Agent or representative:

- (1) The limitations in this Law are not sufficient to protect the POTW,
- (2) The limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,
- (3) The POTW sludge will be rendered unacceptable for disposal or reuse as the Town of Pavilion Sanitary Sewer District desires, as a result of discharge of wastewaters at the above prescribed concentration limitations,
- (4) Municipal employees or the public will be endangered, or
- (5) Air pollution and/or groundwater pollution will be caused.

The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the Town of Pavilion Sanitary Sewer District Board. This Law shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

Section 906 - Access to User's Records

The Pavilion Sanitary Sewer District Agent or representative shall have the authority to copy any record related to wastewater discharges to the POTW.

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Section 907 - Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard, no 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.

Dilution flow shall be considered to be inflow.

Section 908 - Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Pavilion Sanitary Sewer District Agent or representative, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Pavilion Sanitary Sewer District Agent or representative and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

Section 909 - Solid Waste Grinders

Solid waste grinders at or serving commercial establishments, institutions or industries shall not discharge into the Town of Pavilion Sanitary Sewer District POTW if there is a combined sewer overflow (CSO) on the sewer lines conveying the waste to the POTW treatment plant.

Section 910 - Rejection of Wastewater

The Town of Pavilion Sanitary Sewer District Board may reject a User's wastewater, on recommendation of the Pavilion Sanitary Sewer District Agent or representative, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard. See Section 1016.

End of Article 9

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Article 10 Wastewater Discharge Permits and Pretreatment Requirements

- Section 1001 Wastewater Discharge Reports**
- Section 1002 Notification to Industrial Users**
- Section 1003 A Wastewater Discharges**
- Section 1003 B Wastewater Discharge Permits Required For Significant Industrial Users**
- Section 1003 C Other Industrial Users**
- Section 1003 D Discharge Permits to Storm Sewers Not Authorized**
- Section 1004 A Application for Wastewater Discharge Permits**
- Section 1004 B Permit Modifications**
- Section 1004 C Permit Conditions**
- Section 1004 D Permit Duration**
- Section 1004 E Permit Reissuance**
- Section 1004 F Permit Transfer**
- Section 1004 G Permit Revocation**
- Section 1004 H Public Notification**
- Section 1005 Reporting Requirements for Permittee**
- Section 1006 Flow Equalization**
- Section 1007 Monitoring Stations (Control Manholes)**
- Section 1008 Proper Design and Maintenance of Facilities and Monitoring Stations**
- Section 1009 Vandalism, Tampering with Measuring Devices**
- Section 1010 Sampling and Analysis**
- Section 1011 Accidental Discharges; SPCC Plan**
- Section 1012 Posting Notices**
- Section 1013 Sample Splitting**
- Section 1014 Public Access to Information Maintained by the Pavilion Sanitary Sewer District Agent or Representative**
- Section 1015 A Access to Property and Records**
- Section 1015 B Access to Easements**
- Section 1015 C Liability of Property Owner**
- Section 1016 Special Agreements**

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Section 1001 - Wastewater Discharge Reports

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user shall be required to notify the Pavilion Sanitary Sewer District Agent or representative of any new or existing discharges to the POTW by submitting a completed Industrial Chemical Survey (ICS) form and a completed Industrial Wastewater Survey (IWS) form to the Pavilion Sanitary Sewer District Agent or representative. The Pavilion Sanitary Sewer District Agent or representative may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Pavilion Sanitary Sewer District Agent or representative deems necessary. All information shall be furnished by the user in complete cooperation with the Pavilion Sanitary Sewer District Agent or representative.

Section 1002 - Notification to Industrial Users

The Pavilion Sanitary Sewer District Agent or representative shall, from time to time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

Section 1003 A - Wastewater Discharges

No Significant Industrial User shall discharge wastewater to the POTW without having a valid Wastewater Discharge Permit, issued by the Pavilion Sanitary Sewer District Agent or representative. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Law. Violation of a permit term or condition is deemed a violation of this Law.

Section 1003 B - Wastewater Discharge Permits Required For Significant Industrial Users

All Significant Industrial Users proposing to connect to or to discharge to the POTW shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a Wastewater Discharge Permit within 30 days after the effective date of this Law, and shall obtain such a permit within 90 days after making application.

Section 1003 C - Other Industrial Users

The Pavilion Sanitary Sewer District Agent or representative may issue Wastewater Discharge Permits to other industrial users of the POTW.

Section 1003 D - Discharge Permits to Storm Sewers Not Authorized

The Town of Pavilion Sanitary Sewer District does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.

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Section 1004 A - Application for Wastewater Discharge Permits

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Pavilion Sanitary Sewer District Agent or representative all requirements stipulated in the latest edition of the Rules and Regulations of the Town of Pavilion Sanitary Sewer District.

Section 1004 B - Permit Modifications

Wastewater Discharge Permits may be modified by the Pavilion Sanitary Sewer District Agent or representative, upon 30 days notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable National Categorical Pretreatment Standard,
- (2) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13,
- (3) Changes in general discharge prohibitions and local limits as per Section 903 of this law,
- (4) Changes in processes used by the permittee, or changes in discharge volume or character,
- (5) Changes in design or capability of any part of the POTW,
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference, and
- (7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1004 A (12)(a).

Section 1004 C - Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of this Law, and all other applicable regulations, user charges and fees established by the Town of Pavilion Sanitary Sewer District.

Section 1004 D - Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

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Section 1004 E - Permit Reissuance

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Pavilion Sanitary Sewer District Agent or representative, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a).

Section 1004 F - Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

Section 1004 G - Permit Revocation

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Pavilion Sanitary Sewer District Agent or representative timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

Section 1004 H - Public Notification

The Town of Pavilion Sanitary Sewer District will publish in the Town of Pavilion Sanitary Sewer District official daily newspaper(s), informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

Section 1005 - Reporting Requirements for Permittee

The reports or documents required to be submitted or maintained under this section shall be subject to:

- (a) The provisions of 18 USC Section 1001 relating to fraud and false statements;
- (b) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (c) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.

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(1) Baseline Monitoring Report

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit, to the Pavilion Sanitary Sewer District Agent or representative, the information required by paragraphs (8) and (9) of Section 1004 A.

(2) 90-Day Compliance Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit, to the Pavilion Sanitary Sewer District Agent or representative, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(3) Periodic Compliance Reports

- (a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Pavilion Sanitary Sewer District Agent or representative, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Pavilion Sanitary Sewer District Agent or representative, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Pavilion Sanitary Sewer District Agent or representative, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pavilion Sanitary Sewer District Agent or representative may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.
- (b) The Pavilion Sanitary Sewer District Agent or representative may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling

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and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Pavilion Sanitary Sewer District Agent or representative, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(4) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Pavilion Sanitary Sewer District Agent or representative 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 Pavilion Sanitary Sewer District Agent or representative within 30 days after becoming aware of the violation. The User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(5) Other reports

The Pavilion Sanitary Sewer District Agent or representative may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

Section 1006 - Flow Equalization

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 5,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Pavilion Sanitary Sewer District Agent or representative. A wastewater discharge permit may be issued solely for flow equalization.

Section 1007 - Monitoring Stations (Control Manholes)

- (a) All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

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- (b) If there is more than one street lateral serving an Industrial User, the Pavilion Sanitary Sewer District Agent or representative may require the installation of a control manhole on each lateral.
- (c) The Pavilion Sanitary Sewer District Agent or representative may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Pavilion Sanitary Sewer District Agent or representative, or his designated representative.

Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the Pavilion Sanitary Sewer District Agent or representative may approve or disapprove the adequacy of such facilities. Where the Pavilion Sanitary Sewer District Agent or representative disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Pavilion Sanitary Sewer District Agent or representative. Construction of new or upgraded facilities shall not commence until written approval of the Pavilion Sanitary Sewer District Agent or representative has been obtained.

Section 1009 - Vandalism, Tampering with Measuring Devices

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- (1) any structure, appurtenance, or equipment which is a part of the Town of Pavilion Sanitary Sewer District POTW, or
- (2) any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law

except as approved by the Pavilion Sanitary Sewer District Agent or representative.

Section 1010 - Sampling and Analysis

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.

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All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

Section 1011 - Accidental Discharges; SPCC Plan

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of a Wastewater Discharge Permit. Users shall immediately notify the Pavilion Sanitary Sewer District Agent or representative of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the Pavilion Sanitary Sewer District Agent or representative to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Pavilion Sanitary Sewer District Agent or representative shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the Pavilion Sanitary Sewer District Agent or representative, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Pavilion Sanitary Sewer District Agent or representative, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would

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violate any provision of the permit and any National Prohibitive Discharge Standard;

- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 1012 - Posting Notices

In order that the Industrial User's employees be informed of the Town of Pavilion Sanitary Sewer District requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Town of Pavilion Sanitary Sewer District requirements and whom to call in case of an accidental discharge in violation of this Law.

Section 1013 - Sample Splitting

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Town of Pavilion Sanitary Sewer District representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Town of Pavilion Sanitary Sewer District for its own analysis.

Section 1014 - Public Access to Information Maintained by the Pavilion Sanitary Sewer District Agent or Representative

When requested, the Pavilion Sanitary Sewer District Agent or representative shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Pavilion Sanitary Sewer District Agent or representative, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. The Pavilion Sanitary Sewer District Agent or representative shall provide written

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notice to the industrial user of any disclosure of confidential information to another governmental agency.

Section 1015 A - Access to Property and Records

The Pavilion Sanitary Sewer District Agent or representative and other authorized representatives of the Town of Pavilion Sanitary Sewer District, representatives of EPA, NYSDEC, NYSDOH, and/or Genesee County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the Town of Pavilion Sanitary Sewer District POTW, and with the provisions of this Law. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 1015 B - Access to Easements

The Pavilion Sanitary Sewer District Agent or representative, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town of Pavilion Sanitary Sewer District holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Town of Pavilion Sanitary Sewer District public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

Section 1015 C - Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as

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such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

Section 1016 - Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Town of Pavilion Sanitary Sewer District and any User of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Town of Pavilion Sanitary Sewer District Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the Town of Pavilion Sanitary Sewer District for wastewater conveyance and treatment, and sludge management and disposal

No discharge which violates the Federal Pretreatment Standards will be allowed under the terms of such special agreements.

No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the POTW for treatment and disposal. Additionally the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Town of Pavilion Sanitary Sewer District before the agreement is entered into. The Town of Pavilion Sanitary Sewer District Board may condition the agreement.

End of Article 10

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Article 11 Enforcement and Penalties

Note: This Article is under review by NYSDEC and may be revised following review. The municipal attorney or officer responsible for drafting the Town of Pavilion Sanitary Sewer District Sewer Use Law should carefully review the provisions in this Article of the Model and make any suitable adjustments to maintain consistency with local and state law.

Section 1101 - Enforcement Response Plan

Administrative Remedies

Section 1102 - Notification of Violation

Section 1103 - Consent Orders

Section 1104 - Administrative or Compliance Orders

Section 1105 - Administrative Fines

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Section 1113 - Civil Actions for Penalties

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Section 1118 - Delinquent Payments

Section 1119 - Performance Bonds

Section 1120 - Liability Insurance

Section 1121 - Informant Rewards

Section 1122 - Public Notification

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Section 1101 - Enforcement Response Plan

The Pavilion Sanitary Sewer District Agent or representative shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (1) describe how the Pavilion Sanitary Sewer District Agent or representative will investigate instances of non-compliance
- (2) describe the types of escalated enforcement actions that the Pavilion Sanitary Sewer District Agent or representative will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions
- (3) adequately reflect the Town of Pavilion Sanitary Sewer District Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- (1) criteria for scheduling periodic inspection and/or sampling visits to POTW Users
- (2) forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence
- (3) systems to track due dates, compliance schedule milestones, and pending enforcement actions
- (4) criteria, responsible personnel, and procedures to select and initiate an enforcement action.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:

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- magnitude of the violation
- duration of the violation
- effect of the violation on the receiving water
- effect of the violation on the POTW
- effect of the violation on the health and safety of the POTW employees
- compliance history of the User
- good faith of the User

and shall promote consistent and timely use of enforcement remedies.

The Town of Pavilion Sanitary Sewer District Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

Administrative Remedies

Section 1102 - Notification of Violation

Whenever the Pavilion Sanitary Sewer District Agent or representative finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Pavilion Sanitary Sewer District Agent or representative may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Pavilion Sanitary Sewer District Agent or representative mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Pavilion Sanitary Sewer District Agent or representative, by the User. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

Section 1103 - Consent Orders

The Pavilion Sanitary Sewer District Agent or representative is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

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Section 1104 - Administrative or Compliance Orders

When the Pavilion Sanitary Sewer District Agent or representative finds that a User has violated or continues to violate this Law or a permit or administrative order issued thereunder, he may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Pavilion Sanitary Sewer District Agent or representative to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Pavilion Sanitary Sewer District Agent or representative by registered mail. The Pavilion Sanitary Sewer District Agent or representative shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1105 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Pavilion Sanitary Sewer District Agent or representative 's notice of such fine, petition the Pavilion Sanitary Sewer District Agent or representative to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Pavilion Sanitary Sewer District Agent or representative by registered mail. The Pavilion Sanitary Sewer District Agent or representative shall then:

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- (1) Reject any frivolous petitions,
- (2) Modify or suspend the fine, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1106 - Cease and Desist Orders

When the Pavilion Sanitary Sewer District Agent or representative finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Pavilion Sanitary Sewer District Agent or representative may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within fifteen (15) calendar days of the date the Pavilion Sanitary Sewer District Agent or representative mails notification of such order, petition the Pavilion Sanitary Sewer District Agent or representative to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Pavilion Sanitary Sewer District Agent or representative by registered mail. The Pavilion Sanitary Sewer District Agent or representative shall then:

- (1) Reject any frivolous petitions,
- (2) Modify or suspend the order,
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1107 - Termination of Permit

Any User who violates the following conditions of this Law or a wastewater discharge permit or administrative order, or any applicable or State and Federal law, is subject to permit termination:

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- (1) Violation of permit conditions or conditions of an administrative order,
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge,
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics,
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or
- (5) Failure to pay administrative fines, fees or user charges.

Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of the date the Pavilion Sanitary Sewer District Agent or representative mails such notification, petition the Pavilion Sanitary Sewer District Agent or representative to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Pavilion Sanitary Sewer District Agent or representative by registered mail. The Pavilion Sanitary Sewer District Agent or representative shall then:

- (1) Reject any frivolous petitions,
- (2) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1108 - Water Supply Severance

Whenever a User has violated or continues to violate the provisions of this Law or an order or permit issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

The User may, within fifteen (15) calendar days of severance, petition the Pavilion Sanitary Sewer District Agent or representative to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Pavilion Sanitary Sewer District Agent or

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representative by registered mail. The Pavilion Sanitary Sewer District Agent or representative shall then:

- (1) Reject any frivolous petitions,
- (2) Reconnect the water supply, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1109 - Show Cause Hearing

The Pavilion Sanitary Sewer District Agent or representative may order any User appealing administrative remedies for violations of this Law to show cause, before the Town of Pavilion Sanitary Sewer District Board, why an enforcement action, initiated by the Pavilion Sanitary Sewer District Agent or representative, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Town of Pavilion Sanitary Sewer District Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Town of Pavilion Sanitary Sewer District Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 1111 of this Article. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 1111.

The Town of Pavilion Sanitary Sewer District Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Town of Pavilion Sanitary Sewer District to conduct the hearing:

- (1) Issue, in the name of the Town of Pavilion Sanitary Sewer District Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Take sworn testimony,

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- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town of Pavilion Sanitary Sewer District Board for action thereon.

After the Town of Pavilion Sanitary Sewer District Board has reviewed the evidence and testimony, it may order the user to comply with the Pavilion Sanitary Sewer District Agent or representative's order or fine, modify the Pavilion Sanitary Sewer District Agent or representative's order or fine, or vacate the Pavilion Sanitary Sewer District Agent or representative's order or fine.

Section 1110 - Failure of User to Petition the Pavilion Sanitary Sewer District Agent or Representative

In the event the Pavilion Sanitary Sewer District Agent or representative issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Pavilion Sanitary Sewer District Agent or representative, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Section 1111 - Notice

The notices, orders, petitions, or other notification which the User or Pavilion Sanitary Sewer District Agent or representative shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User where the User's effluent is discharged into transmission lines to the Town of Pavilion Sanitary Sewer District's POTW. Any notice, petition, or other communication mailed to the Pavilion Sanitary Sewer District Agent or representative shall be addressed and mailed to the Town of Pavilion Sanitary Sewer District Hall of the Town of Pavilion Sanitary Sewer District.

Section 1112 - Right to Choose Multiple Remedies

The Pavilion Sanitary Sewer District Agent or representative shall have the right, within the Pavilion Sanitary Sewer District Agent or representative's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Pavilion Sanitary Sewer

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District Agent or representative may utilize more than one administrative remedy established pursuant to this Article, and the Pavilion Sanitary Sewer District Agent or representative may hold one show cause hearing combining more than one enforcement action.

Judicial Remedies

Section 1113 - Civil Actions For Penalties

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Pavilion Sanitary Sewer District Agent or representative promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Town of Pavilion Sanitary Sewer District for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town of Pavilion Sanitary Sewer District attorney, or his designated attorney, at the request of the Pavilion Sanitary Sewer District Agent or representative in the name of the Town of Pavilion Sanitary Sewer District, in any court of competent jurisdiction giving preference to courts local to the Town of Pavilion Sanitary Sewer District. In addition to the above described penalty, the Pavilion Sanitary Sewer District Agent or representative may recover all damages incurred by the Town of Pavilion Sanitary Sewer District from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Pavilion Sanitary Sewer District Agent or representative promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Pavilion Sanitary Sewer District Agent or representative may recover all reasonable attorney's fees incurred by the Town of Pavilion Sanitary Sewer District in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Pavilion Sanitary Sewer District Agent or representative may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

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Such civil penalty may be released or compromised by the Pavilion Sanitary Sewer District Agent or representative before the matter has been referred to the Town of Pavilion Sanitary Sewer District attorney, and where such matter has been referred to the Town of Pavilion Sanitary Sewer District attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town of Pavilion Sanitary Sewer District attorney, with the consent of the Pavilion Sanitary Sewer District Agent or representative.

Section 1114 - Court Orders

In addition to the power to assess penalties as set forth in this Article, the Pavilion Sanitary Sewer District Agent or representative shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit,
or
- (2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Town of Pavilion Sanitary Sewer District attorney, at the request of the Pavilion Sanitary Sewer District Agent or representative, in the name of the Town of Pavilion Sanitary Sewer District, in any court of competent jurisdiction giving precedence to courts local to the Town of Pavilion Sanitary Sewer District.

The Town of Pavilion Sanitary Sewer District attorney, at the request of the Pavilion Sanitary Sewer District Agent or representative shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Section 1115 - Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Pavilion Sanitary Sewer District Agent or representative made in accordance with this Article shall be guilty of a Class A Misdemeanor, and upon conviction

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thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

Section 1116 - Additional Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Pavilion Sanitary Sewer District Agent or representative, through counsel may petition the Court, in the name of the Town of Pavilion Sanitary Sewer District, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Pavilion Sanitary Sewer District Agent or representative.

Section 1117 - Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Pavilion Sanitary Sewer District Agent or representative finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgment of the Pavilion Sanitary Sewer District Agent or representative, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Pavilion Sanitary Sewer District Agent or representative may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's

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failure to comply voluntarily with an emergency order, the Pavilion Sanitary Sewer District Agent or representative may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Pavilion Sanitary Sewer District Agent or representative shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

If the User is not within the geographic boundaries of the Town of Pavilion Sanitary Sewer District the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Pavilion Sanitary Sewer District Agent or representative, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

Miscellaneous

Section 1118 - Delinquent Payments

If there shall be any payments which are due to the Town of Pavilion Sanitary Sewer District, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the Town of Pavilion Sanitary Sewer District, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of December 15 of any year, the Pavilion Sanitary Sewer District Agent or representative shall report the names of the defaulting persons to the Town of Pavilion Sanitary Sewer District Supervisor, the Town of Pavilion Sanitary Sewer District Clerk, the Town of Pavilion Sanitary Sewer District Chief Assessor, and the Town of Pavilion Sanitary Sewer District Treasurer on or before December 15 of the same year. The Town of Pavilion Sanitary Sewer District Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to Town of Pavilion Sanitary Sewer District in the next succeeding year, and the Town of Pavilion Sanitary Sewer District Chief Assessor is directed to collect the same

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in the same manner as real property taxes due and owing to the Town of Pavilion Sanitary Sewer District are collected.

Where charges are delinquent and the violator is not a resident of the Town of Pavilion Sanitary Sewer District, or is located outside the geographical boundaries of the Town of Pavilion Sanitary Sewer District, then the Town of Pavilion Sanitary Sewer District attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the User is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the Law, to the real property taxes due to the Town in the next ensuing year.

Section 1119 - Performance Bonds

The Pavilion Sanitary Sewer District Agent or representative may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Pavilion Sanitary Sewer District Agent or representative to be necessary to achieve consistent compliance.

Section 1120 - Liability Insurance

The Pavilion Sanitary Sewer District Agent or representative may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

Section 1121 - Informant Rewards

The Pavilion Sanitary Sewer District Agent or representative is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, the Pavilion Sanitary Sewer District Agent or representative is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000, including the discovery reward.

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Section 1122 - Public Notification

The Pavilion Sanitary Sewer District Agent or representative Shall provide public notification, in the daily newspaper with the largest circulation in the Town of Pavilion Sanitary Sewer District, of Users which were in significant non-compliance of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

Section 1123 - Contractor Listings

- (1) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town of Pavilion Sanitary Sewer District.
- (2) Existing contracts for the sale of goods or services to the Town of Pavilion Sanitary Sewer District held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Town of Pavilion Sanitary Sewer District Board.

End of Article 11

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Article 12 Charges

Section 1201	Normal Sewage Service Charges
Section 1202	Surcharge for Abnormal Sewage
Section 1203	Total Sewer Service Charge
Section 1204	Segmenting the POTW
Section 1205	Measurement of Flow
Section 1206	Billing Period
Section 1207	Pretreatment Program Costs
Section 1208	Charges for Trucked and Hauled Wastes
Section 1209	Capital Recovery
Section 1210	Collection of Charges
Section 1211	Fiscal Year for System
Section 1212	Impact Fees
Section 1213	Use of Revenues
Section 1214	Records and Accounts

Section 1201 - Normal Sewage Service Charges

All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent.

Section 1202 - Surcharge for Abnormal Sewage

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge.

Section 1203 - Total Sewer Service Charge

The total sewer service charge, (which shall be called the "User Charge"), is comprised of two parts, as follows:

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$$UC(t) = UC(n) + UC(an)$$

Where:

$UC(t)$ = total User Charge for POTW operation and maintenance

$UC(n)$ = User Charge associated with normal sewage

$UC(an)$ = User Charge associated with abnormal sewage

$UC(n) = OM \times (OQ/100) \times (QIA/QA)$

$UC(an) = OM \{ [OB/100 \times (BIA-Bn) / BA] +$

$[OS/100 \times (SIA-Sn) / SA] +$

$[OP/100 \times (PIA-Pn) / PA] +$

$[ONH/100 \times (NHIA-NHn) / NHA] +$

$[OTK/100 \times (TKIA-TKn) / TKA] \}$

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Where:

OM	=	Total annual POTW operation and maintenance costs
OQ	=	percentage of OM attributable to flow (Q)
OB	=	percentage of OM attributable to BOD5
OS	=	percentage of OM attributable to suspended solids
OP	=	percentage of OM attributable to total phosphorus
ONH	=	percentage of OM attributable to ammonia
OTK	=	percentage of OM attributable to total Kjeldahl nitrogen
QLA	=	average daily flow rate (MGD) from discharger
BIA	=	average daily BOD5 loading (LB/DAY) from discharger
SLA	=	average daily suspended solids loading (LB/DAY) from discharger
PIA	=	average daily total phosphorus loading (LB/DAY) from discharger
NHIA	=	average daily ammonia loading (LB N/DAY) from discharger
TKIA	=	average daily total Kjeldahl nitrogen loading (LB N/DAY) from discharger
QA	=	average daily flow rate (MGD) at the POTW treatment plant
BA	=	average daily BOD5 loading (LB/DAY) at the POTW treatment plant
SA	=	average daily suspended solids loading (LB/DAY) at the POTW treatment plant
PA	=	average daily total phosphorus loading (LB/DAY) at the POTW treatment plant
NHA	=	average daily total ammonia loading (LB N/DAY) at the POTW treatment plant
TKA	=	average daily total Kjeldahl nitrogen loading (LB N/DAY) at the POTW treatment plant
Bn	=	BOD5 loading (LB/DAY) in discharge if it were normal sewage
Sn	=	suspended solids loading (LB/DAY) in discharge if it were normal sewage
Pn	=	total phosphorus loading (LB/DAY) in discharge if it were normal sewage
NHn	=	ammonia loading (LB N/DAY) in discharge if it were normal sewage
TKn	=	total Kjeldahl nitrogen loading (LB N/DAY) in discharge if it were normal sewage

Note: if any difference terms in the equation above is negative, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative.

Note: all averages are arithmetic averages determined from available data during the billing period.

Section 1204 - Segmenting the POTW

The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

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Section 1205 - Measurement of Flow

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Water Department providing service. In the event that a person discharging wastes into the POTW produces evidence, to the Pavilion Sanitary Sewer District Agent or representative, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Pavilion Sanitary Sewer District Agent or representative shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the Pavilion Sanitary Sewer District Agent or representative shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Pavilion Sanitary Sewer District Agent or representative and shall be installed, maintained, and periodically tested as required by the Pavilion Sanitary Sewer District Agent or representative, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Pavilion Sanitary Sewer District Agent or representative. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Pavilion Sanitary Sewer District Agent or representative, at the owner's expense.

Section 1206 - Billing Period

The Billing Period shall be monthly for industrial and bi-monthly for non-industrial users.

Section 1207 - Pretreatment Program Costs

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the User, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies

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- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals
- (8) application for consistent removal status as outlined in 40 CFR 403
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government

Section 1208 - Charges for Trucked and Hauled Wastes

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the POTW shall be as established by the Town of Pavilion Sanitary Sewer District Board. The manner of determining the volume dumped shall be at the discretion of the Pavilion Sanitary Sewer District Agent or representative.

Section 1209 - Capital Recovery

The Town of Pavilion Sanitary Sewer District may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

Section 1210 - Collection of Charges

Provisions of Article 11 of this Law relating to the collection of penalties shall apply to the collection of Sewer Service Charges and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of the Sewer Rent Law by Town of Pavilion Sanitary Sewer District.

Section 1211 - Fiscal Year for System

The POTW shall be operated on the basis of a fiscal year commencing on the first day of January and ending on the thirty-first day of December.

Section 1212 - Impact Fees

The Town of Pavilion Sanitary Sewer District Board shall have the authority to impose impact fees on new development, which development may:

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- (1) cause enlargement of the service area of the POTW
- (2) cause increased hydraulic and/or treatment demands on the POTW

Section 1213 - Use of Revenues

Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (a) For the payment of the operation and maintenance, including repair and replacement costs of the Town of Pavilion Sanitary Sewer District POTW,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Town of Pavilion Sanitary Sewer District POTW, and
- (d) For the extension, enlargement, replacement of, and/or additions to the Town of Pavilion Sanitary Sewer District POTW, including any necessary appurtenances.

Section 1214 - Records and Accounts

The Town of Pavilion Sanitary Sewer District shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Town of Pavilion Sanitary Sewer District will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

Classification of old and new industrial users should also be reviewed annually.

The Town of Pavilion Sanitary Sewer District shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

End of Article 12

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Article 13 Public Disclosure of POTW Operations

- Section 1301 POTW Operations Open to the Public**
- Section 1302 Procedural Requirements Available**
- Section 1303 Validity Through Public Inspection**

Section 1301- POTW Operations Open to the Public

It shall be the policy of the Town of Pavilion Sanitary Sewer District to conduct all business with full disclosure to the public.

Section 1302- Procedural Requirements Available

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Law and for requesting a hearing shall be formulated by the Town of Pavilion Sanitary Sewer District and be made available to any resident of the Town of Pavilion Sanitary Sewer District upon request.

Section 1303- Validity Through Public Inspection

The Town of Pavilion Sanitary Sewer District shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Town of Pavilion Sanitary Sewer District in administration of this Law. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

End of Article 13

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Article 14 Conflicts, Severability, Effective Date, and Applicability

- Section 1401 Conflicts**
- Section 1402 Severability**
- Section 1403 Effective Date**
- Section 1404 Applicability**

Section 1401- Conflicts

The provisions of any Town of Pavilion Sanitary Sewer District law in conflict with any provision of this Law are hereby repealed.

Section 1402- Severability

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.

Section 1403- Effective Date

This law shall take effect 30 days after its filing in the office of the Secretary of State.

Section 1404- Applicability

Articles 1, 2, 4, 8, 11, 12, 13 and 14 shall apply in all incorporated areas of the Town of Pavilion Sanitary Sewer District. Articles 3, 5, 6, 7, 9 and 10 shall apply only in incorporated areas of the Town of Pavilion Sanitary Sewer District which are also within the service area of the POTW.

End of Article 14

End of Law