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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 of Livingston
Town
Village
Local Law No. 4 of the year 19 85

A local law Repealing Local Law No. 4 - 1972 for the County of Livingston
(Insert title)
and establishing a Sewer Law for the Conesus Lake County Sewer District

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
City of Livingston
Town
Village as follows:

SEE ATTACHMENT

(If additional space is needed, please attach sheets of the same size as this and number each)

LOCAL LAW NO. 4, 1985
COUNTY OF LIVINGSTON, NEW YORK

Local Law repealing Local Law No. 4 - 1972, for the County of Livingston, and establishing a Sewer Use Law for the Conesus Lake County Sewer District

BE IT ENACTED by the Board of Supervisors of the County of Livingston as follows:

Section 1. Local Law No. 4 of the year 1972 of this County is hereby REPEALED.

Section 2. The "Conesus Lake County Sewer District Sewer Use Law" is added to read as follows: (The text of the Conesus Lake County Sewer District Sewer Use Law is attached hereto and incorporated herein)

Section 3. This local law shall take effect twenty days after it is filed as provided in Section twenty-seven of the Municipal Home Rule Law.

CONESUS LAKE COUNTY SEWER DISTRICT SEWER USE LAW

- ARTICLE I SHORT TITLE AND STATEMENT OF PURPOSE
- ARTICLE II DEFINITIONS
- ARTICLE III USE OF PUBLIC SEWERS
- ARTICLE IV MATERIALS AND SUBSTANCES EXCLUDED FROM PUBLIC SEWERS
- ARTICLE V TOXIC SUBSTANCES PROHIBITED OR ACCEPTED CONDITIONALLY
- ARTICLE VI DISPOSITION OF INDUSTRIAL WASTES
- ARTICLE VII DISPOSITION OF SCAVENGER WASTES
- ARTICLE VIII TERMS AND CONDITIONS FOR THE ISSUANCE OF PERMITS
- ARTICLE IX GENERAL PROVISIONS
- ARTICLE X IMPOSITION AND COMPUTATION OF SEWER SURCHARGE
- ARTICLE XI PROCEDURES OF THE CONESUS LAKE COUNTY SEWER DISTRICT
- ARTICLE XII ENFORCEMENT AND PENALTIES
- ARTICLE XIII VALIDITY AND EFFECTIVE DATES

ARTICLE I

SHORT TITLE AND STATEMENT OF PURPOSE

Section 1. Short Title

Section 2. Purpose

Section 1. Short Title: These rules and regulations shall be known as the Conesus Lake County Sewer District Sewer Use Law.

Section 2. Purposes: The purposes of these rules and regulations are specifically stated as follows:

1.21 To permit the discharge into the sanitary sewer of the District Sewer System or tributaries thereto of sanitary sewage and normal sewage.

1.22 To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the District sewer system and all local sewer collection systems and all other public sewers tributary thereto.

1.23 To prohibit the contribution of sewage, industrial wastes or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewage maintenance and operation personnel.

1.24 To prohibit the contribution of sewage, industrial wastes or other wastes which may cause maintenance difficulties in the trunk sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances to the District system and public sewers tributary thereto.

1.25 To prohibit the contribution of sewage, industrial wastes or other wastes which may create operating difficulties at the

water pollution control plants as they now exist or may be constructed, modified or improved in the future.

1.26 To prohibit and/or to regulate by permit the contribution of sewage, industrial wastes or other wastes which require for treatment at the plants, greater expenditures than are required for equal volumes of normal sewage and to surcharge users for permitted contributions requiring treatment beyond "normal sewage".

1.27 To require the treatment, before introduction into the District sewer system, local sewer collection systems and all other public sewers tributary thereto, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the system, by direct or indirect chemical action, or interfere with the normal treatment process.

1.28 To provide the authority and procedure for the District to promulgate rules, to investigate and prepare findings of fact, to issue permits, to hold hearings, to make decisions, orders and opinions, and to give notice and make public all rules and decisions affecting substantial rights of persons or property.

1.29 To provide cooperation with the Livingston County Health Department, New York State Department of Environmental Conservation, New York State Department of Health, United States Environmental Protection Agency and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of water courses within or bounding the County.

1.30 To protect the public health and to prevent nuisances.

ARTICLE II
DEFINITIONS

Section 2.1 Definitions

Section 2.1 Definitions: Unless the context specifically indicates otherwise the meaning of terms used in these rules and regulations shall be as follows:

2.11 "Administrator" shall mean the administrator of the Conesus Lake County Sewer District or his authorized deputy, agency or representative.

2.12 "B.O.D." (denoting Biochemical Oxygen Demand) as defined and determined in the Standard Methods for the examination of water and wastewater.

2.13 "Board" shall mean the Board of the Conesus Lake County Sewer District, comprised of the Administrator and Public Works Committee of the Board of Supervisors.

2.14 "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

2.15 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

2.16 "Camp Site" a tract of land which is arranged, intended and equipped, as a camp site for mobile homes, travel campers, recreational vehicles and/or non-vehicular camping of a transient or seasonal nature.

2.17 "COD" (Chemical Oxygen Demand) shall mean the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The determination is made by dichromate reduction by oxidizable organic matters measured by the oxygen equivalent proportion of the dichromate consumed, expressed as milligrams per liter.

2.18 "Chlorine Demand" shall mean the difference between the amount of chlorine added to water, sewage or industrial wastes and the amount of residual chlorine remaining at the end of fifteen minute contact period at room temperature. It is expressed in milligrams per liter.

2.19 "Contested Case" means a proceeding, including but not restricted to rate making, surcharging, and issuance of permits in which the legal rights, duties or privileges of a party are required by law to be determined by the Conesus Lake County Sewer District after an opportunity for hearing.

2.20 "Control Manhole" shall mean an accessible manhole at the connection between an industrial building sewer and the public sewer. It shall be constructed to provide for sampling, measuring and observation of industrial flows.

2.21 "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or Suspended Solids in excess of ten milligrams per liter, toxic substances as limited elsewhere herein, prohibited materials as listed under Sec. 4.2, or cause thermal pollution of the receiving waters.

2.22 "County" shall mean the County of Livingston.

2.23 "County Sewer" shall mean any sewer owned by the designated county sewer districts and/or operated by the Conesus Lake County Sewer District.

2.24 "County Sewer Districts" shall mean any County Pure Waters sewer districts as created, altered, or modified in the future by action of the Livingston County Board of Supervisors.

2.25 "County Sewer System" shall mean the trunk sewers, collection sewers, force mains, pumping stations, sewage regulators, water pollution control plants (sewage treatment plants) and other appurtenant structures either owned or leased by the Conesus Lake County Sewer District and/or operated by any other public district now or hereafter created in the County of Livingston.

2.26 "Department of Health" shall mean the Livingston County Health Department.

2.27 "District" shall mean Conesus Lake County Sewer District.

2.28 "District Superintendent" shall mean "superintendent" as defined in 2.67 below.

2.29 "Hearing Board" means the persons appointed to preside at a hearing as outlined in Section XI; Hearing Officer is the member of the Hearing Board who is an attorney at law and will preside at the hearing and file the final report.

2.30 "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the handling, storage and sale of produce, and from the packaging and canning of food.

2.31 "Grease or Fats" shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

2.32 "Industrial User" shall mean any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual" 1972, edition, as published by the Executive Office of the President and who utilizes the services of the sewer system.

2.33 "Industrial Wastes" shall mean any liquid, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

2.34 "National Categorical Pretreatment Standard or Pretreatment Standards" - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b)(c) of the act (33 USC 1347) which applies to a specific category of Industrial Users.

2.35 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

2.36 "Normal Sewage" shall mean sewage, industrial wastes or other wastes, which when analyzed show by weight the following characteristics:

- a. B.O.D. 2085 lbs. per million gallons (250 milligrams per liter) or less,
- b. Chlorine Demand 208 lbs. per million gallons (25 milligrams per liter) or less,
- c. C.O.D. 4170 lbs. per million gallons (500

milligrams per liter) or less,

d. Suspended Solids 2085 lbs. per million gallons
(250 milligrams per liter) or less,

e. Phosphate as phosphorus 167 lbs. per million
gallons (20 milligrams per liter) or less.

The values for these characteristics are subject to revision by the Superintendent, if, in his opinion, data obtained during the previous year indicates.

The Superintendent may also add values for other characteristics or delete characteristics if such action becomes appropriate and applicable to the treatment or transportation of sewage.

2.37 NYSDEC/The New York State Department of Environmental Conservation or duly authorized official of said department.

2.38 "Other Wastes" shall mean garbage (shredded or unshredded) refuse, wood, egg shells, coffee grounds, flour, sawdust, shavings, bark, sand, lime, cinder, ashes, and all other discarded matter not normally present in sewage or industrial wastes.

2.39 "Order" means the Hearing Board or Hearing Officer's final order which ends the hearing process.

2.40 "P" - Phosphate shall mean the concentration of phosphate as phosphorus expressed in milligrams per liter.

2.41 A "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

2.42 "Petroleum Hydrocarbons" shall mean that portion of the total extractable grease or fats, as defined in Section 2.31 which is not retained on an activated alumina absorption column after elutriating with hexane.

2.43 "Permit" means a permit issued to allow the use of the sewer system or tributary sewer for specific wastes over a limited period of time. Continuing discharge of wastes requiring permission by law shall also require a permit.

2.44 "Person" shall mean any individual, firm, company, association, society, corporation, institution or group.

2.45 "Phosphate" shall mean the concentration of phosphate or phosphorus expressed in milligrams per liter.

2.46 "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

It indicates the intensity of acidity and alkalinity of the pH scale running from 0.0 to 14.0. A pH value of 7.0, the midpoint of the scale, represents neutrality. Values above 7.0 represents alkaline conditions and those below 7.0 represents acid conditions.

2.47 "Portable Toilet" shall mean a device that is not used for treatment or disposal of human wastes and used on a temporary basis, not requiring a permit. It is not a privy as referred to in Section 3.3.

2.48 "POTW" - publicly owned treatment works.

2.49 "POTW Treatment Plant" - that portion of a POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewerage and industrial wastes.

2.50 "Pretreatment" - 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 obtained by physical, chemical or biological processes, or process changes or other means except as prohibited by 40 CFR Section 403.6(d).

2.51 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensation of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one quarter ($\frac{1}{4}$) inch in any dimension.

2.52 "Public Sewer" shall mean the sewer manholes, intercepting sewers, sewage pumping, treatment and disposal works, and any other plant, works or equipment and accessories within any municipality that discharges its sewage and liquid into the District Sewer System.

2.53 "Receiving Waters" shall mean a natural water course or body of water into which treated sewage is discharged.

2.54 "Report" means the Hearing Officer's summary of the proceeding before the Hearing Board and written recommendation.

2.55 "Rule" means each statement of general applicability that implements, interprets or prescribes law or policy or describes the organization, procedure or practice requirements of or in the District. The term includes the amendment or repeal of

a prior rule but does not include (A) statements concerning only the internal management of the District and not affect private rights or procedures available to the public or (B) declaratory rulings issued pursuant to Article XI, Section 11.6 or (C) Intra-agency memoranda.

2.56 "Sanitary Sewage" shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels, but not commercial kitchens therein), office buildings, factories, institutions, and filter backwash from swimming pools.

2.57 "Sanitary Sewer" shall mean a sewer which carries sewage to and which storm, surface and ground waters are not intentionally admitted.

2.58 "Scavenger Wastes" shall mean the matter collected from privies, septic tanks, cesspools, chemical toilets, portable toilets, camper and marine holdings tanks, sludge from biological treatment of industrial wastes, and other domestic waste collection devices.

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

2.60 "Sewer" shall mean a pipe or conduit for carrying sewage.

2.61 "Sewerage System" shall mean all facilities for collecting, regulating, pumping, and transporting sewage to the sewage treatment plant.

2.62 "Sewerage Surcharge" shall mean the demand payment for the use of a public sewer and/or sewage treatment plant for handling 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.

2.63 "Shall" is mandatory: "May" is permissive.

2.64 "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in volume of flow exceeds for any period of duration longer than five (5) minutes more than five (5) percent the average twenty-four (24) hour concentration or flow during normal operation.

2.65 "Standard Methods" shall mean the latest addition of standard methods for Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

2.66 "Storm Sewer" (Storm Drain) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than cooling waters and unpolluted waters.

2.67 "Superintendent" shall mean the Superintendent of Sewage Works of the District, or his authorized deputy, agency, or representative.

2.68 "Suspended Solids" (total non-filterable residue) as defined and determined in the Standard Methods for the Examination of Water and Wastewater.

2.69 "Toxic Substances" shall mean any substance whether gaseous, liquid or solid which, when discharged to a public sewer in sufficient quantities, will be detrimental to the sewer system, interfere with any biological sewage treatment process, or constitute a hazard to human beings or animals, or inhibit aquatic life, or create a hazard to recreation in the receiving waters of the effluent from a POTW treatment plant.

2.70 "Unit Charge" In the District the sewer use charge may be based on a standard volume of sewage flow from an average household; this volume, as determined by methods described herein, may vary and is subject to revision by the Board and the Livingston County Board of Supervisors if data accumulated under actual conditions so indicate.

2.71 "USEPA" - United States Environmental Protection Agency or duly authorized official of said agency.

2.72 "Volume Charge" In the District the sewer use charge may be based in part or wholly on the volume of discharge into the sewer system. The charge shall be based on a specific cost per 27,000 gallons; the specific cost is determined for the District based on the overall cost of treating sewage and is subject to the approval of the Board and the Livingston County Board of Supervisors.

2.73 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

2.74 "Terms" not otherwise defined herein shall be as adopted in the latest edition of Glossary - Water and Wastewater Control Engineering, published by the American Waterworks Association and the Water Pollution Control Federation.

ARTICLE III

USE OF PUBLIC SEWERS

Section 3.1 Limitation of use; exception

Section 3.2 Health Regulations

Section 3.3 Formal sewer use charges

Section 3.1 Limitation of use; exception

Section 3.1 The use of the District sewers and public sewers tributary thereto shall be strictly limited and restricted to receive and accept the discharge of sewage, industrial wastes, and other wastes generated on, or discharged from, real property lying within the bounds of the Conesus Lake County Sewer District as established and altered, changed, modified, reduced, enlarged, combined and/or consolidated by action of the Livingston County Board of Supervisors and/or the respective District Board.

Section 3.2 The discharge of sewage, industrial wastes and other wastes generated on or discharge from real property lying outside the bounds of Conesus Lake County Sewer District into the District sewers and thereto shall be made only with express consent of District Board and/or the Livingston County Board of Supervisors and upon the issuance of a Permit setting forth the terms and conditions for such discharge.

Section 3.3 Except as hereinafter provided, it shall be unlawful to construct or maintain in the District any privy, privy vault, septic tank, cesspool, or other facility intended or used for the treatment or disposal of wastewater.

Section 3.4 The owner(s) including governmental entities, of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the

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 sanitary sewer of the District, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so.

Section 3.5 Health Regulations: All requirements, directives and orders calling for the mandatory use of the District sewers for the proper discharge of sewage, industrial wastes and other wastes with these rules, regulations and ordinances, shall be established and given by the local municipality having jurisdiction, the Livingston County Department of Health, the New York State Department of Environmental Conservation or other state or federal agencies having jurisdiction.

Section 3.6 Formal Sewer Use Charges: Quarterly Unit Sewer Charges shall be based on the cost of treating normal sewage including all other costs of the District.

ARTICLE IV

MATERIALS AND SUBSTANCES EXCLUDED FROM PUBLIC SEWERS

Section 4.1 Exclusion of unpolluted waters

Section 4.2 Prohibited materials, substances and wastes

Section 4.3 Possible exclusion of certain materials and substances

Section 4.4 Action by the Conesus Lake County Sewer District

Section 4.5 Emergency Action by the Superintendent

Section 4.1 Exclusion of unpolluted waters: No person shall discharge or provide a connection for discharging or draining into the District sewer system or public sanitary sewer tributary any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water, nor drain any catch basin, lake, swamp, pond or swimming pool, except with the permission of the District evidenced by a properly issued permit.

Section 4.2 Prohibited materials, substances and wastes: Except as hereinafter provided, no person shall discharge or cause to be discharged, or allow to run, leak, or escape into any public sewer, pipe, channel, sewer appurtenance or waterway connecting with any public sewer, or into any private sewer connected with a public sewer any of the following described materials, substances or wastes, except such small quantities as may be present in normal household wastes:

- a. Any gasoline, benzine, naphtha, fuel, oil, alcohols, or other flammable or explosive liquid, solids or gases.
- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases. See Article V.
- c. Any water or wastes having a pH lower than (6.0) or

having a pH higher than (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment or the sewer system, or personnel employed in its operation.

- d. Construction materials including but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, sugar and syrup, coffee grounds, flour, fur, wax, cement, hops, spent grain, whole blood, filter media or any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
- e. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or to constitute a hazard to humans or animals, or to create a public nuisance, or to create any hazards in the receiving waters of a POTW treatment plant effluent.
- f. Any waters or waste having a temperature so high as to raise the incoming flow at the treatment facility in excess of 104° F (40°C).

Section 4.3 Possible exclusion of certain materials and substances: No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes

or any wastes listed within the rules of the District found to harm the trunk sewer system structures, the sewage treatment process or the equipment, have an adverse effect on the receiving stream or would endanger life, limb, public property or constitute a nuisance. The criteria used in forming the rules of the District include such factors as: the quantities of said wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the POTW treatment plant, the capacity of the sewage treatment facilities and the likelihood of harm, injury or nuisance. The characteristics of the effluent subject to review will be determined from the sampled wastewater collected at a control manhole prior to entering the public sewers. The substances, materials or wastes prohibited in the first instance, but subject to review by the District are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees C.).
- b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees C.).
- c. Any garbage that has not been properly shredded or triturated. The installation and operation of

garbage grinders equipped with a motor greater than three-fourth (3/4) horsepower (0.76 h.p. metric shall be by permit issued by the Superintendent.

- d. Any water or wastes containing strong acid metal pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances. See Article V:
- f. Any water or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which shall be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations. See Section 6.2.
- h. Materials which contain or cause:
 - 1. Unusual concentrations of inert suspended solids, such as, but not limited to: Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulphate.
 - 2. Excessive discoloration at the treatment plant or

in the receiving waters such as, but not limited to, dye wastes and vegetable tanning solutions.

3. Unusual biochemical oxygen demand (BOD), chemical oxygen demand (COD), or chlorine requirements in such quantities as to constitute a significant additional load on the sewage treatment works.

Except as provided for under Article X.

4. Unusual volume of flow or concentration of wastes constituting "Slugs" as defined herein.

i. Waters or wastes containing substances which are not amenable to treatment or reduction in concentration by the POTW treatment plant processes employed, or are amenable to treatment only to such a degree that the POTW treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.

Section 4.4 Action by the District: The District, after a hearing, shall either prevent the discharge of unacceptable water and wastes or issue a permit which is properly conditioned upon findings and the standards of safety prescribed by this law. The rules of the District shall include surcharges, pre-treatment requirements, control over quantities or rates of discharge, time of discharge and holding facilities, and any measure or combination of measures which are necessary to preserve the sewer system, its structures and equipment, and the health, safety and well being of the employees, the community and the biota of the receiving waters.

Section 4.5 Emergency action by the Superintendent: The Superintendent shall take any temporary action necessary to protect the public health, safety or welfare without a prior hearing or order of the Board in regard to any discharge which, in the belief of the Superintendent, will cause serious, imminent harm, injury or adverse effect on the sewer system structures or equipment, or to any persons or to the biota of the receiving waters. Review of any emergency action by a hearing will be accomplished without delay to determine what, if any, permanent restriction is necessary. The Superintendent, 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 of Livingston County.

ARTICLE V

TOXIC SUBSTANCES PROHIBITED OR ACCEPTED CONDITIONALLY

- Section 5.1 Toxic substances and pathogenic bacteria
- Section 5.2 Permissible concentration of toxic substances
- Section 5.3 Special concentration limits
- Section 5.4 Emergency action by the District Superintendent

Section 5.1 Toxic substances and pathogenic bacteria: Waters bearing toxic substances above the standard set for normal sewage or pathogenic bacteria shall not be discharged into the District Sewer System or public sewers tributary thereto and their discharge is prohibited unless the rules of the District or upon a finding by the Board determines that such concentration will not adversely affect any of the biochemical, chemical or other sewage treatment process or sewage system. The following is a partial but not all inclusive list of toxic substances and pathogenic bacteria:

- a. Antibiotics
- b. Elemental Bromine, Iodine, Chlorine, Fluorine
- c. Creosols or Creosotes
- d. Phenol and Phenolic Compounds that convert to Phenol in the sewage system
- e. Sulfonamides, Toxic Dyes (organic or mineral)
- f. Beryllium and Beryllium Compounds
- g. Mercury and Mercury Compounds
- h. All strong oxidizing agents such as Chromates, Dichromates, Permanganates, Peroxides, etc.
- i. Any strong reducing agents causing hazardous conditions

In the sewage system

- j. Chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction
- k. Wastes from industrial processes or hospital procedures containing viable pathogenic organisms.

Section 5.2 Permissible concentrations of toxic substances: The concentration in sewage of any of the following toxic substances shall not exceed the concentration limits specified below when discharged into the sewer. The District may revise with its rules these limits or insert additional items after a hearing when, in the opinion of the Superintendent, the Board or the Department of Health, the need for a rule change is indicated. The following list contains the permitted toxic substances and levels of concentration:

a. Arsenic and compounds of Arsenic expressed as (As)	0.5 mg/L
b. Barium (Ba)	2.0 mg/L
c. Cadmium (Cd)	0.5 mg/L
d. Chromium, hexavalent (Cr 6 +)	1.0 mg/L
e. Dissolved Copper (Cu)	1.0 mg/L
f. Cyanide, Total	1.0 mg/L
g. Cyanide, Free	0.1 mg/L
h. Formaldehyde as HCHO vapor	5.0 mg/L
i. Lead (Pb)	1.0 mg/L
j. Nickel (Ni)	3.0 mg/L
k. Selenium (Se)	2.0 mg/L

l. Soluble Silver as Ag	1.0 mg/L
m. Zinc (Zn)	5.0 mg/L
n. Soluble Manganese and/or Iron	5.0 mg/L
o. (Hg) Mercury	1.2 mg/L
P. Total PCBs	0.5 mg/L

Section 5.3 Special concentration limits: When findings of the Board show that the volume of a single toxic industrial waste discharge or the combined toxic industrial waste discharge of a group of industries within a single contributory area is so large as to raise a question of the ultimate concentration of toxic substances entering a POTW treatment plant; or in cases where it is known that the toxic substances in the concentrations involved will be effectively removed by the treatment works without causing deleterious effects of any kind to the treatment process, or the receiving waters, the District may rule that separate or special concentration limits shall be used by the contributors in that area.

Section 5.4 "Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance."

Section 5.5 Emergency action by the District Superintendent: The Superintendent shall take any temporary action necessary to protect the public health, safety or welfare without a prior hearing or order of the Board in regard to any discharge which,

In the belief of the Superintendent, will cause serious, imminent harm, injury or adverse effect on the sewer system structures or equipment, or to any persons or to the biota of the receiving waters. Review of any emergency by a hearing will be accomplished without delay to determine what, if any, permanent restriction is necessary. The Superintendent, acting upon the belief that an emergency exists, shall be indemnified by the County against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare of Livingston County.

ARTICLE VI

DISPOSITION OF INDUSTRIAL WASTES

Section 6.1 Industrial wastes requiring a permit

Section 6.2 Radioactive wastes

Section 6.3 When permit shall be required

Section 6.1 Industrial wastes requiring a permit: The following are industries whose wastes shall require pretreatment and/or approval before discharge into public sewers; bleaching and dyeing, bottling, brewing, cement processing, cotton textile manufacture or processing, dairies, dairy products, distilling, fat rendering, film processing, flour processing, food processing, galvanizing, glue manufacturing, incineration waste, laundromats, lens grinding operations, manufacture of syrups, jams or jellies, meat packing, metal pickling or plating, ammunition manufacturing, oil refining, optical goods manufacturing, photographic processing, public laundering, pulp and papermaking, rubber productions, salt works, slaughterhouses, soap making, sugar refining, tanning, wool scouring or washing, any industry producing wastes with strong acid or alkaline reactions or the wash water from cleaning any vehicle or equipment used in the process which will form deposits in or cause damage to the sewers or to appurtenances of sewage treatment works. The process or processes employed in the pretreatment of such wastes shall in each case conform to the rules and directives of the District and shall be inspected and permitted by the Superintendent as set forth under Article VIII.

Section 6.2 Radioactive wastes: Any Institution or Industry discharging radioactive material or fission products must be registered with the District as well as other regulatory agencies as the law requires. The registration shall include all copies of State and Federal permits governing the waste discharge. The active elements and the local concentrations permitted to be discharged into the public sewers shall be in conformance with State Sanitary Code, Chapter I, Part 16, Sections 16.7 and 16.8 of the Public Health Law and be at all times within the limits set by this and other County, State or Federal agencies.

Section 6.3 When permit shall be required: Whenever any industrial waste is produced in such quantities as will injure the public sewers into which they may be discharged, or adversely affect the treatment of sewage, or which does not yield readily to treatment by the processes employed by the POTW, such discharge will not be permitted into the District sewers without a permit.

Section 6.4 Accidental discharge: Whenever any industrial waste is accidentally discharged into the District sewer or into any area within the District's jurisdiction, or in any other manner which may adversely affect the proper functioning of the District Sewer System, the industry or persons involved must immediately notify the District and take all proper steps for corrective action. Failure to notify the District may result in a permit revocation and a fine as stated in Section 12.1.

ARTICLE VII

DISPOSITION OF SCAVENGER WASTES

Section 7.1 Permit required.

Section 7.2 Conditions for discharge of scavenger wastes

Section 7.3 Application for permit; revocation

Section 7.4 Charges for discharge of scavenger wastes

Section 7.1 Permit required: The discharge of scavenger wastes may be permitted on a temporary basis at an authorized District facility only with the approval of the Superintendent. Persons desiring to discharge scavenger wastes into such facilities shall be required to obtain a permit from the Superintendent. The discharge of such wastes from sources outside of Livingston County shall be permitted only by permit from the District.

Section 7.2 Conditions for discharge of scavenger wastes: The discharge of scavenger wastes shall be made only at a location as shall be stated on the permit or as may be ordered by the Superintendent. The time and conditions for permissible discharge shall be as set forth on the permit or as may be ordered by the Superintendent.

Section 7.3 Application for permit; revocation of permit: The commercial applicant for a permit shall be the owner or lessee of the vehicle or vehicles hauling scavenger wastes. All permits issued by the Superintendent shall be for one (1) year. Permits shall be issued for less than a year if applied for by non-commercial haulers of scavenger wastes.

All acts performed under the terms and conditions of the permit shall be subject to supervision or inspection by the District. False or deliberately misleading information on an

application for a permit invalidates any permit issued subsequent to the approval of said application. Failure to adhere to the terms or conditions of the permit or violation of the rules or other laws regulating scavenger waste disposal shall be grounds for suspension or revocation of the permit by the Superintendent. Hearings to reinstate a license or permit shall be initiated by petition of the party desiring reinstatement.

Section 7.4 Charges for discharge of scavenger wastes: Discharge of scavenger wastes shall be made under individual tickets for each load purchased under the terms of the permit. Rates charged for the tickets shall be those rates approved by the Livingston County Board of Supervisors.

ARTICLE VIII

TERMS AND CONDITIONS FOR THE ISSUANCE OF PERMITS

- Section 8.1 Power to inspect
- Section 8.2 Permits when required
- Section 8.3 Applications for permits
- Section 8.4 Terms and conditions
- Section 8.5 Sampling and testing wastes
- Section 8.6 Control manholes
- Section 8.7 Measurement and analysis of wastes
- Section 8.8 Determination of pollution concentration
- Section 8.9 Volume determination
- Section 8.10 Pollution concentration disputed by a person
- Section 8.11 Accidental discharge

Section 8.1 Power to inspect: All users of the District Sewer System or any public tributary sewer are deemed to have consented to inspection necessary for the orderly administration of this sewer use law and the rules of the District. Inspections will be accomplished during hours of operation or at periods of sewer use with or without notice to the users and inspection shall be calculated to reasonably measure the characteristics of the discharged waters and wastes discharged into the Sewer System. The power to inspect will be exercised in accordance with Article IX of this Law.

Section 8.2 Permits when required: It shall be unlawful for any person to discharge directly or indirectly into public sewers or into any private sewer discharging into a public sewer, sewage combined with industrial wastes, or industrial wastes or other wastes the characteristics of which in combination do not conform to the concentration limits prescribed for "normal sewage" under Article II herein, or to discharge any toxic substances or any

other objectionable material or substances as specified under Articles III, IV, V and VI herein, except upon such terms and conditions as set forth in the permit issued under the established rules of the District.

Section 8.3 Applications for permits: All applicants for a permit to discharge sewage combined with industrial wastes or other wastes into public sewers shall fill out and file with the Superintendent an application provided and made available by the District at the District office as a prerequisite for issuance of a permit. All information required by the District shall be furnished by the applicant in complete cooperation with the Superintendent. The following is a partial list of information to be furnished by the applicant:

- a. Plot of the property showing accurately all sewers, drains and house connections.
- b. Plans and specifications covering any proposed changes to be performed under the permit.
- c. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property or premises, including a description of the the character of each waste, the daily volume and maximum rates of discharge and representative analyses.
- d. The name and address of the person or firm who will be responsible for the performance of the work to be covered by the permit.

Section 8.4 Terms and conditions: The District may require the terms and conditions as follows, to be imposed by the Superintendent in the issuance of the permit:

- a. A limitation upon the volume of sewage industrial wastes or other wastes; the rate of flow permitted and/or the time of discharge from the premises.
- b. The installation and maintenance by the permittee, at his own expense, of facilities or equipment for intermittent or continuous flow and/or quality measurements of sewage, industrial wastes or other wastes discharged from the premises into a public sewer.
- c. The installation and maintenance by the permittee, at his own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge of sewage to such a percentage of the twenty four hour rate as shall be required by the rules of the District.
- d. The installation and maintenance by the permittee, at his own expense, of such preliminary treatment facilities as shall be required by the rules of the District.
- e. The installation and maintenance by the permittee, at his own expense, of a suitable control sampling manhole or manholes in any sewer discharging to a public sewer and carrying such sewage.
- f. The installation and maintenance by the permittee, at

his own expense, of grease, oil and sand interceptors, separators or traps that are necessary for the proper handling of liquid wastes containing such substances in excessive quantities or any flammable waste or other harmful ingredients.

- g. The submission to and approval by the Superintendent of the plans for any of the facilities or equipment required to be installed and maintained by the permittee.
- h. Such other terms and conditions as may be necessary to protect the sewerage system and water pollution control facilities and to carry out the intent and provisions of these rules and regulations.
- i. Such terms and conditions may also provide that subsequent to the commencement of operation of any preliminary treatment facilities, periodic reports shall be made by the permittee to the Superintendent setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes, after treatment, may be determined. The period covering these reports will be determined by the Superintendent.
- j. Where preliminary or flow equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the permittee (or owner) at his expense.
- k. A violation of the permit shall be cause for revocation

or suspension of the permit after a hearing and determination by the District or if the violation is found to be within the emergency powers of the Superintendent under Sections 4.5 or 5.5, the revocation is immediate upon receipt of notice, however, a hearing shall be held without unreasonable delay.

Section 8.5 Sampling and testing wastes: Whenever sewage, industrial wastes or other wastes are believed to have characteristics other than prescribed for "Sanitary Sewage" as defined in Article II herein, or are believed to contain toxic substances or other material or substances excluded from public sewers pursuant to the Conesus Lake County Sewer District Sewer Use Law or the rules and regulations of the District are discharged into public sewers from any premises, the Superintendent shall have the power to take samples and make tests necessary to determine the nature and concentration of such wastes, and shall have the right to reassess his determinations by taking samples and tests at any time or by periodic rechecks without notice to the person discharging such wastes:

- a. Samples shall be taken and flow measurements made at the control manhole or manholes which are specifically identified with the user unit.
- b. In the event that a control manhole or manholes have not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the Superintendent and are specifically

Identified with the user unit.

- c. An aliquot portion of the sample(s) taken will be made available to the person whose premises are being tested if he so requests.

Section 8.6 Control manholes: When required by rules of the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 8.7 Measurement and analyses of wastes: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this law or in rules of the District shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water" published by the American Public Health Association or any other method certified as accurate by the Superintendent, and shall be determined upon samples from said control manhole or other approved access points. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage system and water pollution control facilities and to determine the existence of hazards to life,

limb, and property. If a permit is to be issued, sampling should be performed in such a manner that the portion of the flow obtained is typical and representative of the waste discharge.

Section 8.8 Determination of Pollutant Concentration:

- a. The pollutant concentration of any sewage, industrial waste or other wastes shall usually be determined from representative samples of the effluent discharged to public sewers, taken by the District at sampling stations as described under Section 8.1 or 8.5 of these rules and regulations, at any period, or time, and of such duration and in such manner as the Superintendent may elect, or at any place or manner mutually agreed upon between the person and the Superintendent.

The intent of any sampling procedure is to establish the pollutant concentration in the sewage discharged during an average or typical working day. This concentration may be derived according to the best judgment of the Superintendent, by combination of repeated sub samplings during any one day, by combination of a series of such days or by combination of a number of multiple samples.

The analysis of samples taken shall be performed in a laboratory designated by the Superintendent and the surcharge and/or the acceptability of the wastes shall be determined from said analyses.

- b. All charges shall be based on the analysis of the

wastes from any plant or premises related to total volume as wastes as determined under Section 8.8a of this Article. The concentration of pollutants in sewage, industrial waste or other waste once determined as prescribed under Section 8.7 of these rules and regulations shall be used in calculating the sewer surcharge in accordance with the billing procedure of the District for the collection of charges and shall remain in effect until the person shall prove or the District shall determine that a change in the manufacturing process, production or waste treatment of said company warrants a re-analysis for the determination of a new pollutant concentration of its wastes discharged from such premises into the public sewer system. The new pollutant concentration shall then be used in calculating new charges and shall become effective as of the date of the subsequent billing period.

- c. Whenever the wastes discharged from a premises to the public sewer might be expected to show appreciable periodic variations during the year due to manufacturing process or production variation due to seasonal changes, the Superintendent may average the results of two or more series of analyses taken quarterly to reflect these variations and thereby determine an average pollutant concentration.

Section 8.9 Volume determination: The Superintendent may use, as the figure representing the number of gallons of sewage discharged into the sewer system, (1) the amount of water supplied to the premises by water suppliers as shown upon the water meter if the premises are metered, or (2) if the premises are supplied wholly or in part with other sources, including, but not limited to, wells, rivers, lake waters, shall have metering devices installed, at the owner's expense, for measuring the volume of water used for the purpose of computing waste discharges from these sources and for billing purposes, or (3) if such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Superintendent, or (4) the number of gallons of sewage discharged into the sewer system as determined by measurements and samples taken at a manhole installed by the owner of the property served by the public sewer system, at his own expense, in accordance with the terms and conditions of the permit issued by the Superintendent pursuant to Article VIII of these rules and regulations, or (5) a figure determined by the Superintendent by any combination of the foregoing or by any other equitable method.

Section 8.10 Pollutant concentration disputed by a person: In the event that the pollutant concentration of the waste discharged from a premise to a public sewer as determined under Section 8.8 of this Article is disputed by a person, a program of

resampling and gauging with subsequent chemical determination may be instituted as follows:

- a. The person must submit a request for resampling and gauging of the wastes to the Superintendent, and bind himself to bear all of the expenses incurred by the District in the resampling and gauging and subsequent analysis of the wastes.
- b. A consultant or agency of recognized professional standing in the employment of the person must confer with the representatives of the Superintendent in order that an agreement may be reached as to the various factors which must be considered in a new sampling program.
- c. The consultant or agency of recognized professional standing employed by the person must be present or represented during the resampling operation.
- d. Resampling must be performed when all waste producing processes are contributing wastes of "normal" concentrations at their "normal" rate.
- e. The results of the resampling and the reanalysis in a laboratory designated by the Superintendent shall be considered to be the current analysis of the wastes discharged to the public sewer system and shall be used for determining the surcharge and/or acceptability of the wastes.

Section 8.11 Accidental discharge of industrial waste: "Each user shall provide protection from accidental discharge of

prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharges shall be provided and maintained at the owner or user's own cost and expense. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days following an accidental discharge, the user shall submit to the POTW a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss or damage or other liability which may be incurred as a result of damage to the POTW."

Failure to report the accidental discharge of industrial wastes into the District Sewer System or any area within the jurisdiction of the District, as stated in Section 6.4 may subject the violator to a fine and permit revocation.

ARTICLE IX

GENERAL PROVISIONS

Section 9.1 Powers and authority of inspectors

Section 9.2 Protection from damage

Section 9.1 Powers and authority of inspectors: As provided under Article VIII Section 8.1, NYSDEC or USEPA or the Superintendent and his duly authorized representatives may enter upon private lands for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this law or the rules of the District. The Superintendent or his representatives shall have no authority to inquire into any processes used in any industrial operation beyond that point having a direct bearing on the kind and source of discharge to the sewers or the on-site facilities for waste treatment.

While performing the necessary work on private lands, referred to in this section above, the Superintendent or his duly authorized representatives shall observe all safety rules applicable to the premises as established by the owner and/or occupant of the premises, and the owner and/or occupant shall be held harmless for injury or death to the County employees and the County shall indemnify the owner and/or occupant against loss or damage to their property by County employees and, against liability claims and demands for personal injury or property damage asserted against the owner and/or occupant and growing out of the gauging and sampling operations except as such may be caused by negligence or failure of the owner and/or occupant to

maintain safe conditions as required in Article VIII, Section 8.4 and 8.6.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section, shall be punishable by such penalties as may be prescribed under XII of these rules and regulations.

Section 9.2 Protection from damage: Any person who maliciously, willfully or recklessly breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance, or equipment which is a part of the District system or public sewer tributary thereto shall be in violation of this law and subject to the penalties provided herein.

ARTICLE X

IMPOSITION AND COMPUTATION OF SEWER SURCHARGE

Section 10.10 Imposition of sewer surcharge
Section 10.11 Formulation of sewer surcharges
Section 10.12 Collection of sewer surcharges
Section 10.13 Computation of the surcharge
Section 10.14 Credits
Section 10.20 Special contracts

Section 10.10 Imposition of sewer surcharge: In addition to any other tax, fee, charge or sewer rent imposed or levied for the construction, maintenance, operation, repair, improvement and management of the Conesus Lake County Sewer District trunk sewer system or any public sewer tributary, thereto, the owner or lessee of any parcel of real property connected with such system or sewer, including but not limited to, real property connected to such system by means of a private sewer or drain discharging into the District trunk sewer system or any public sewer tributary thereto, shall pay a sewer surcharge for the use of the system or tributary public sewer for discharging; (a) any sewage, industrial wastes or other wastes accepted for admission thereto in which the characteristics resulting from the pollutants contained therein exceed the maximum values as stated in the definition of "normal sewage" in Section 2.36, or (b) any unpolluted waters such as storm water connections from any building or yard, any drain from catch basins, lakes, swamps, ponds or swimming pool drains, or any other source of unpolluted waters or cooling waters as defined in Sections 2.21 or 4.1, except with permission of the Superintendent as evidenced by a properly issued permit.

(c) any ground waters which enter the District by infiltration of local sewage collection systems.

Section 10.11 Formulation of sewer surcharge: The formula for the sewer surcharge shall be computed by the Superintendent. The amount of the surcharge shall be the product of the surcharge factor and the established district charge. The general form for the determination shall be as follows:

$$S.F. = a \left(\frac{BOD-250}{250} \right) + b \left(\frac{SS-250}{250} \right) + c \left(\frac{CID-25}{25} \right) + d \left(\frac{P-20}{20} \right)$$

Where

S.F. = Surcharge factor

BOD = Milligrams per liter of Biochemical Oxygen Demand, as defined in Section 2.12

SS = Milligrams per liter of Suspended Solids, as defined in Section 2.62

CID = Milligrams per liter of chlorine demand, as defined in Section 2.18

P = Milligrams per liter of Phosphorus, as defined in Section 2.42

a = proportion of cost to treat a lb. of Biochemical Oxygen Demand (BOD)

b = proportion of cost to treat a lb. of Suspended Solids (SS)

c = proportion of cost to treat a lb. of Chlorine Demand (CID)

d = proportion of cost to treat a lb. of Phosphorus (P)

Notes

1. a, b, c, d, are decimal portions of total treatment costs for each district. The values shall be determined by the

Board on a yearly basis from data accumulated during each preceding year from the costs of treatment.

2. If any of the values for BOD, SS, CID, or P as determined by laboratory analysis are less than the respective normal values stated in Section 2.36, the factor for that pollutant shall be eliminated from the formula.

EXAMPLE 1. - Treatment charge based on volume.

An Industry discharges into the public sewer system wastes which have been found to contain the following:

BOD - 630 mg/l

SS - 200 mg/l

CID - 50 mg/l

P - 45 mg/l

Quarterly volume of discharge = 148,000 gallons

Normal sanitary sewer charge = \$2.32 per 1,000 gallons

Values for a, b, c, d, are, respectively - .5, .3, .04, .02

$$\text{S.F.} = .5 \frac{(630-250)}{250} + .04 \frac{(50-25)}{25} + .03 \frac{(45-20)}{20}$$

$$\text{S.F.} = (.5) \times (1.52) + (.04) \times (1.0) + (.02) \times (1.25)$$

$$\text{S.F.} = .76 + .04 + .025$$

$$\text{S.F.} = .825$$

Note: Factor for SS is dropped because SS is less than 250 mg/l.

$$\begin{aligned} \text{Normal Sanitary Sewer Treatment Charge} &= \frac{148,000 \text{ gal.} \times 2.32}{1000 \text{ gal.}} \\ &= \$343.36 \text{ per quarter} \end{aligned}$$

$$\text{Surcharge} = (.825) \times (\$343.36)$$

$$= 283.27$$

Total Sewer Treatment Charge = \$343.36 + \$283.27 = \$626.63 per quarter

EXAMPLE 2. - Treatment Charge based on Unit rates

A commercial establishment discharging wastes into the public sewer is rated at ten (10) equivalent units. (One unit is equivalent to a dwelling unit or less, or 27,000 gallons per quarter of water consumption.) The unit charge is \$62.50 per unit per quarter.

The establishment discharges wastes into the public sewer system which have been found to contain the following concentrations of pollutants

$$\text{BOD} = 450 \text{ mg/l}$$

$$\text{SS} = 200 \text{ mg/l}$$

$$\text{CID} = 15 \text{ mg/l}$$

$$\text{P} = 60 \text{ mg/l}$$

Values for a, b, c, d are respectively - .5, .3, .04, .02

Normal Sanitary Sewer Charge = (10 units x \$62.50) = \$625 per quarter

$$\text{S.F.} = \frac{.5(450-250)}{250} + \frac{.02(60-20)}{20}$$

Note - Factors for SS and CID are dropped because values are below normal limits

$$\text{S.F.} = (.5) (.8) + (.02) (2.0)$$

$$\text{S.F.} = .4 + .04 = .44$$

$$\text{Portion of unit charge which is Cost of Treatment} = \frac{\$23.13}{\$62.50} = .37$$

$$\begin{aligned} \text{Surcharge} &= (.44) (.37) (\$625) \\ &= 101.75 \end{aligned}$$

$$\begin{aligned} \text{Total Sewer Charge} &= \$650 + 101.75 \\ &= \$751.75 \text{ per quarter} \end{aligned}$$

Both of these examples illustrate sewer use by large commercial or industrial establishments, and not average residential users with normal sewage.

The sewer surcharge for unpolluted water discharge into the District system or tributary public sewer shall be:

(a) In the case of a volume charge as in Example 1, double the normal sanitary sewer treatment charge based on the volume of metered water and/or

(b) In the case of unit charge, the product of the following

1. Unit charge portion due to treatment cost.
2. Pollutant surcharge factor, if any, as computed by formula.
3. Normal sewer charge (see Example 2).

NOTE: When excessive volumes of ground water enter the District Sewer System by infiltration of the local sewage collection systems, the District shall take the following actions:

1. Notice shall be given to the local governmental unit responsible for the sewage collection system contributing excessive volumes of ground water into the District Sewer System.
2. Six (6) months after notification to the local governmental unit, an informal timetable for the elimination and/or control of the excessive ground water infiltration shall be filed with the District.
3. A local governmental unit failing to provide said timetable

or not substantially complying with the scheduled abatement of infiltration pursuant to the timetable filed with the District shall be surcharged for the excessive ground water infiltration.

4. The surcharge shall be based in proportion to the determined excess volume of ground water entering the District Sewer System.

Section 10.12 Collection of sewer surcharges: The surcharge for permittees with a permanent connection to the District sewer system or a tributary public sewer shall be surcharged on the District bill along with the District charges. Permittees hauling scavenger wastes to a discharge point shall be charged and surcharged by the fees charged to obtain discharge tickets. Other users requiring a permit as provided in Article VIII will be charged administrative cost and the surcharge in the fee required to obtain the permit from the Superintendent.

Section 10.13 Computation of the surcharge: The Superintendent shall compute all surcharges using the formula in Section 10.11 and factors adopted by the Livingston County Board of Supervisors. The data used to compute the surcharge will be supplied by inspections, by the application for permit and/or any method determined by the District, after the Superintendent's review of the facts and problems, which in his belief give, as nearly as possible, accurate volume determination and/or the average pollutant concentration. All surcharges shall be based on the analysis of wastes from any plant or premises in relation to the total volume of wastes and waters. The data once

established as the average pollutant concentration, shall be used until inspection or other reliable proof shows a change in the average pollutant concentration.

Section 10.14 Credits: Adjustment of an account, for which payment has been received, that results in an overpayment; said overpayment shall be a credit to the account.

Section 10.15 Special contracts: The Superintendent has the authority to negotiate special contracts for handling sewage industrial wastes or other wastes. One of the following conditions must exist before a special contract can be negotiated:

- a. If an industry or establishment has New York State Department of Environmental Conservation approved Permit to discharge in a classified water course, or
- b. If the total volume or contribution of waste to the public sewer system is greater than 63,500 gallons per day or five percent of the average design capacity of water pollution control facility receiving the waste, or
- c. If the total volume or contribution of waste to the public sewer system is greater than 133 pounds per day BOD or suspended solids, or
- d. If the contributor is a local, state, or federal governmental agency.

ARTICLE XI

PROCEDURES OF THE CONESUS LAKE COUNTY SEWER DISTRICT

- Section 11.1 Public Information
- Section 11.2 Procedure for adoption of rules; emergency rules
- Section 11.3 Filing and taking effect of rules
- Section 11.4 Publication of rules
- Section 11.5 Petition for adoption of rules
- Section 11.6 Declaratory opinions of the Superintendent, declaratory rulings of the Board
- Section 11.7 Contested cases; notice; records
- Section 11.8 Hearing; evidence;
- Section 11.9 Report
- Section 11.10 Adjournment
- Section 11.11 Answer or responsive pleadings
- Section 11.12 Amendment of Pleadings
- Section 11.13 Service of papers
- Section 11.14 Discover
- Section 11.15 Pre-Hearing Conference
- Section 11.16 Permits
- Section 11.17 Review of Contested Cases

Section 11.1 Public Information: The District Board shall:

- a. adopt within the rules a description of its organization, stating the general course and method of operation and designate where applications, requests and submissions shall be made.
- b. adopt rules stating the nature and requirements of all formal and informal procedures in applying for a permit, in requesting a hearing, and how to submit or oppose the adoption of any rule.
- c. make all rules, orders, statement or policy or interpretation used by the District in the discharge of its functions available for public inspection. No rule, order or decision is valid against any person or party until it has been made available for public inspection. This provision is not applicable in favor of any person or

party who has actual knowledge thereof.

Section 11.2 Procedure for adoption of rules: The Board prior to the adoption, amendment or repeal of any rule shall:

- a. Publish notice at least 10 days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved; the time and place of the hearing and the manner in which interested persons may present their views.
- b. Afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. Reasons for adoption and refusal of proposed rule as well as the decision of the Board shall be recorded and available for public inspection. If the Superintendent believes emergency action is required under Section 4.5 or Section 5.4 the Board may waive notice and proceed without prior notice or hearing to adopt an emergency rule. The emergency rule shall be effective for a period of not longer than 120 days unless it is readopted under Subsection (a) and (b) of this Section.

Section 11.3 Filing and taking effect of rules:

- a. The District shall file a certified copy of each rule with the Clerk of the Livingston County Board of Supervisors. The clerk shall keep a permanent file which may be inspected upon request.
- b. The rule shall be effective 10 days after the filing except if the rule has been adopted under the emergency

procedure (Section 11.2(b)) then the rule is effective upon filing.

Section 11.4 Publication of rules: The District shall compile, index and publish all effective rules. The compilation shall be supplemented as often as necessary.

Section 11.5 Petition for adoption of rules: An interested person may petition the District requesting the promulgation, amendment, or repeal of a rule. Within 30 days after submission of a petition the Board shall either deny the petition in writing, stating its reasons or shall initiate rule making proceedings in accordance with Section 11.2.

Section 11.6 Declaratory opinions by the Superintendent,
Declaratory Rulings by the Board:

A formal request of the Superintendent for a declaratory opinion shall be acknowledged within 10 days. The Superintendent may state his opinion of the petitioner's position and the policy of his office. The Board shall be informed of all opinions and such opinions are not binding on the Board but shall be reviewed, with notice, upon a formal request of any party or the Board. After review the Board will issue a declaratory ruling to be filed with the Clerk of the Livingston County Board of Supervisors.

Section 11.7 Contested cases; notice; hearing; records:

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice, the hearing shall be conducted by a Hearing Board.

(b) A Hearing Board composed of three persons shall be appointed as needed by the Livingston County Board of Supervisors for arbitration of differences between the District and sewer users or prospective sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the District.

(c) One member of the Hearing Board shall be a registered professional engineer; one member shall be a practicing sanitary engineer and one member shall be an attorney at law. The attorney at law shall be designated the Hearing Officer and preside at the hearing.

(d) The notice shall include:

1. a statement of the time, place, and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular sections of the statutes and/or rules involved;
4. a short and plain statement of the matters asserted.

If the District or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(e) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(f) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(g) The record in a contested case shall include:

1. all pleadings, motions, intermediate rulings;
2. evidence received or considered;
3. a statement of matters officially noticed;
4. questions and offers of proof, objections, and rulings thereon;
5. proposed findings and exceptions;
6. any decision, opinion, or report filed by the Hearing Board by the Hearing Officer presiding at the hearing;
7. all staff memoranda or data submitted to the hearing Board in connection with their consideration of the case.

(h) Oral proceedings or any part thereof shall be transcribed on request of any party. However, each party shall pay for the cost of its own copy of such transcript if required.

Section 11.8 Hearing: A party may be represented at the hearing by an attorney. Failure to appear may result in an adverse ruling. A hearing may be combined with or separated from another hearing depending on whether such action will result in further delay, cost or prejudice. While the strict rules of evidence as applied in a courtroom are not observed, witnesses must be sworn or give an affirmation and each party has the right to present

its case and to cross-examine. The Hearing Officer has broad discretion to place documents in evidence.

Section 11.9 Report: The Hearing Officer shall file a report with the District within sixty (60) days from the date of the hearing. At the same time a final order stating the basis for the decision shall also be filed. Each party shall receive a copy of the executed final order. Each party may also review the report filed with the District.

Section 11.10 Adjournment: Only the Hearing Officer may grant an adjournment.

Section 11.11 Answer or responsive pleading: A party may serve a response to the allegations of the District.

Section 11.12 Amendment of Pleadings: A party may usually amend his papers if no substantial prejudices results.

Section 11.13 Service of Papers: Except for the notice of hearing and statement of charges, all papers may be served by ordinary mail.

Section 11.14 Discovery: Generally, there is no discovery.

Section 11.15 Pre-hearing conference: Parties may be directed by the Hearing Officer to discuss matters which will facilitate the hearing process.

Section 11.16 Permits:

(a) When the grant, denial, or renewal of a permit is required to be preceded by notice and opportunity for hearing, the provisions of this Law concerning contested cases shall apply.

(b) When a permittee has made timely and sufficient application for the renewal of a permit or a new permit with

reference to any activity of a continuing nature, the existing permit does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new permit limited, until the last day for seeking review of the order of the District or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment, or withdrawal of any permit is lawful unless the District gives notice by mail to the permittee of facts or conduct which warrant the intended action, and the permittee was given an opportunity to show compliance with all lawful requirements for the retention of the permit. If the Superintendent finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a permit may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Section 11.17 Review of contested cases:

(a) A party, who has exhausted all administrative remedies available within the District and who is aggrieved by a final decision in a contested case, is entitled to review.

(b) Review of a rate making determination shall be accomplished by petition to the Livingston County Board of Supervisors.

(c) Review of other decisions are instituted by filing a court action.

ARTICLE XII

ENFORCEMENT AND PENALTIES

Section 12.1 Enforcement and penalties

(a) A violation of the provisions of Articles III to IX of this Law or the rules adopted by the District authorized by Articles III to IX shall be subject to a minimum penalty of \$300.00 per violation per day, and an additional minimum penalty of \$300.00 per violation for each day of a continuing violation after a final decision and order has been entered with notice to the party adversely affected by the decision to impose the penalty. The exact amount of penalty in each case shall be determined by the District Board.

(b) The penalty shall become part of the District charges and shall be collected as a charge in accordance with the County Law of New York.

(c) The Board shall report industrial waste discharges consistently failing to achieve County, State or Federal pollution standards to appropriate State and Federal agencies. The Board or Superintendent shall assist appropriate State and Federal agencies, as necessary, in their review or action upon such requests.

(d) Proceedings under this law do not preclude enforcement of any local laws, ordinances, criminal statutes or laws of the State of New York by either the County of Livingston or the State of New York.

ARTICLE XIII

VALIDITY

- Section 13.1 Repeal of prior legislation
- Section 13.2 Separability
- Section 13.3 Effective date of law
- Section 13.4 Effective date of surcharges

Section 13.1 Repeal of prior legislation: All codes, laws, or parts of same in conflict herewith are repealed.

Section 13.2 Separability: The invalidity of any section, clause, sentence or provision of this law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 13.3 Effective date of law: This law shall be effective thirty (30) days after enactment.

Section 13.4 Effective date of surcharges: Article X, Section 10.10 and Section 10.11 shall be effective _____.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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 1985
County
of the ~~City~~ of Livingston was duly passed by the Board of Supervisors
~~Town~~ Village (Name of Legislative Body)
on October 23 1985 in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

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

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

[Handwritten Signature]
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 28, 1985

(Seal)

(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 Livingston

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.

[Handwritten Signature]
Signature
COUNTY ATTORNEY
Title

Date: October 28, 1985

County
City of Livingston
Town
Village