INTRODUCTORY LOCAL LAW NO. 5 - 2015

LOCAL LAW NO. 1 - 2016

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Herkimer County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall be the sum of One Hundred Thousand Five Hundred Sixty Six Dollars ($100,566).

Section 2. The base annual salary of the County Highway Superintendent shall be the sum of Ninety Four Thousand Three Hundred Ninety-Eight Dollars ($94,398).

Section 3. The base annual salary of the Commissioner of Social Services shall be the sum of Eighty Two Thousand Eight Hundred Seven Dollars ($82,807).

Section 4. The base annual salary of the Director of Real Property Tax Services shall be the sum of Fifty One Thousand Five Hundred Eighty Five Dollars ($51,585).

Section 5. The base annual salary of the Personnel Officer shall be the sum of Seventy Thousand Five Hundred Seventy Seven Dollars ($70,577).

Section 6. The base annual salary of the County Clerk shall be the sum of Fifty Nine Thousand Nine Hundred Three Dollars ($59,903).

Section 7. The salary of the county coroners shall be One Hundred Twenty Four Dollars ($124.00) per call.

Section 12. This Local Law shall take effect forty-five days after its adoption and shall be subject to a permissive referendum.

Dated: November 18, 2015.
Effective: January 4, 2016.

INTRODUCTORY LOCAL LAW NO. 1 – 2016

LOCAL LAW NO. 2 -2016

A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK AND AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2007

BE IT ENACTED, by the County Legislature of the County of Herkimer as follows:

HERKIMER COUNTY SEWER DISTRICT
SEWER USE LAW

ARTICLE 1

GENERAL PROVISIONS

SECTION 101 - PURPOSE AND POLICY

This Local Law sets forth uniform requirements for Publicly Owned Treatment Works (POTW) for the Herkimer County Sewer District and enables the Sewer District to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Local Law are:

1. To prevent the introduction of substances into the POTW that will:
    a. Interfere with the POTW in any way.
    b. Pass through the POTW to the State's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES Permit.
    c. Increase the cost or otherwise hamper the disposal of POTW 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.
4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
5. To provide for the equitable distribution of all costs associated with wastewater transmission, treatment, and residuals disposal to all users of the POTW, and to provide for the collection of such costs.
6. To protect the public health and to prevent nuisances.

This Local Law shall apply to all users of the Publicly Owned Treatment Works. The Local Law authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting;

and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 102 - ADMINISTRATION

Except as otherwise provided herein, the Sewer District Board shall administer, implement, and enforce the provisions of this Local Law. Any powers granted to or duties imposed upon the Sewer District Board may be delegated by the Sewer District Board to other Sewer District personnel.

SECTION 103 - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Local Law shall be as listed 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, the use of a masculine pronoun shall include the feminine. Shall is mandatory, may is permissive.

"Abnormal Wastewater" - Wastewater whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal wastewater (see normal wastewater).

Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

"Administrator" shall mean the Regional Administrator of the U.S. Environmental Protection Agency (USEPA), Region 2.

"Ammonia" shall mean 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" shall mean that person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

"Approval Authority" shall mean the Regional Administrator of EPA Region II unless and until New York State is delegated Approval Authority responsibility. At that time the Approval Authority would be the Director of the NYSDEC Division of Water.

"Approved Laboratory Procedure" shall mean the procedures defined in 40 CFR 136.

"ASTM" shall denote the American Society for Testing and Materials. This shall apply to the latest edition of any ASTM specification, when stipulated in this Law.

"Authorized Representative of Industrial User" shall mean either:

1. A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;

2. A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or

3. 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.

"Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure; five days at 20°C, expressed in concentration units as milligrams per liter (mg/l).

"Board" (or "Sewer Board") shall mean the duly appointed Herkimer County Sewer District Board set forth in resolution adopted by the Herkimer County Legislature.

"Builder" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 3 feet outside the outer face of the building wall.

"Chlorine Demand" shall mean 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 a sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

"Chemical Oxygen Demand (COD)" shall mean 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" shall mean the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

"Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

"Composite Sample" shall mean 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" shall mean the attachment of one user to a sewer (see extension).

"Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

"Contractor" shall mean any person, firm, or corporation licensed to do work in the District.

"Control Authority" shall refer to the District and the District's Pretreatment Officer, as the District's Pretreatment Program was approved on September 24, 1984 under the provisions of 40 CFR 403.11.

"Control Manhole" shall mean 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" shall mean a pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

"Cooling Water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat. It shall contain no polluting substances which would produce COD or suspended solids in excess of 5 milligrams per liter, or toxic substances, as limited elsewhere in this Law.

"Developer" shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision for which wastewater disposal facilities are required.

"Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of New York (for reference, see Indirect Discharge).

"District" shall mean the Herkimer County Sewer District serving the Villages of Frankfort, Ilion, and Mohawk, and portions of the Town of Frankfort and the Town of German Flatts.

"Domestic Wastes" shall mean the 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).

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"End of Pipe" shall mean, for the purpose of determining compliance with limitations prescribed in Article VI, the sampling location immediately prior to discharge into District sewers.

"End of Process" shall mean the sampling location immediately following a categorically regulated industrial process, in accordance with the applicable National Categorical Pretreatment Standard.

"Engineer" shall mean the Professional Engineer designated by the Herkimer County Sewer District.

"EPA, USEPA, or U.S. Environmental Protection Agency" shall mean the agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this Agency.

"Extension" shall mean the attachment of a sewer line, with more than one user, to an existing sewer line.

"Floatable Oil" shall mean 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" shall mean the quantity of liquid or waste that flows in a certain period of time.

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

"Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Holding Tank Waste" shall mean any waste resulting from human excrement and stored in holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Indirect Discharge (33 U.S.C. 1342)" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or(c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment and ultimate discharge of the treated effluent to the State's Waters.

"Industrial" shall mean of, or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

"Industrial User" shall mean a source of indirect discharge to the Herkimer County Sewer District's Sewage Works which does not constitute a "Discharge of Pollutants" under regulations issued pursuant to Section 402 of the Act (see User, Industrial).

"Industrial Wastes" shall mean the liquid or liquid carried solid, liquid and/or gaseous wastes from industrial processes, trade, service, utility or business, as distinct from sanitary wastewater.

"Infiltration" shall mean 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 manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

"Inflow" shall mean 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" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; therefore, is a cause of a violation of any requirement of the HCSD 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 compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations:

1. Section 405 of the Clean Water Act;

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

3. The Clean Air Act; and

4. The Toxic Substances Control Act.

"Lateral, Building" shall mean the sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

"Lateral, Street" shall mean the sewer extension from the public sewer to the property line.

"Municipality" shall mean any Town or Village wholly or partly within the Herkimer County Sewer District.

"National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" shall mean any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

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

"New Owner" shall mean that individual or entity who purchased property within the Service Area of the District after the effective date of this law.

"New Source" shall be defined as follows:

1. The term "New Source" shall mean any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that:*

    a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

    b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (1)(b) or (1)(c) of this section but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

    a. Begun, or caused to begin as part of a continuous onsite construction program:

        1) Any placement, assembly, or installation of facilities or equipment; or

        2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary

for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"New York State Department of Environmental Conservation" or "NYSDEC" shall mean the NYS Department of Environmental Conservation or other duly authorized official of said Department.

"New User" shall mean a discharger to the District's POTW who commences discharge after the effective date of this Law.

"Owner" shall mean any individual, firm, company, association, society, person, or group having title to real property or its assignee, grantee, or successor in interest to such real property with wastewater facilities which discharge, or will discharge to the Herkimer County Sewer District Sewage Works.

"Normal Sewage" Shall mean the same as Sewage, Normal.

"Nuisance" shall mean 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" shall mean 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" shall mean 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, or who 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" shall mean 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" shall mean a discharge which exits the HCSD POTW into waters of the State in quantities or concentrations, which, alone or in conjunction with a discharge or 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" shall mean 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" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams-ionic weights 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 acidic conditions.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

"Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"POTW Treatment Plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

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

"Pretreatment Officer" shall mean the individual designated and appointed by the District Board as the Pretreatment Officer. Such individual shall possess a suitable license for the operation of wastewater treatment plants in accordance with NYSDEC requirements. This definition also includes his designees.

"Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

"Pretreatment Standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

"Priority Pollutants" shall mean a list of substances which the USEPA considers to be of environmental concern, set forth at Appendix A to 40 CFR Part 423.

"Prohibitive Discharge Standard" - see National Prohibitive Discharge Standard.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing 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 greater than 1/2 inch in any dimension.

"Property Line" shall mean a point on public property within 5 feet of the street right-of-way if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean within 5 feet of the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

"Publicly Owned Treatment Works (POTW)" shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the District. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District's POTW.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

"Receiving Waters" shall mean a natural watercourse or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

"Residential User" shall mean all premises used only for human residence and which are connected to the Herkimer County Sewer District Sewage Works.

"Roof Drain" shall mean a drain installed to receive water collecting on the surface of a roof for disposal.

"Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

"Septage" shall mean 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" shall mean 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" shall mean 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 actions of the HCSD Board.

"Sewage" shall mean 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. This term shall mean the same as, and shall be interchangeable with the term "wastewater" as defined herein.

"Sewage, Domestic (Domestic Wastes)" shall mean liquid wastes from the non-commercial preparation, cooking, and handing 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 waster (see Sewage, Sanitary).

"Sewage, Normal" shall mean Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

1. B.O.D. (Five Day) - 2,500 lbs. per million gallons (300 milligrams per liter), or less.

2. Suspended Solids - 2,919 lbs. per million gallons (350 milligrams per liter), or less.

3. Chlorine Demand - 125 lbs. per million gallons (15 milligrams per liter, or less.

4. 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" shall mean 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 or Wastewater Treatment Plant (Water Pollution Control Plant)" - see definition of Publicly Owned Treatment Works (POTW).

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

"Sewage Works" shall mean all District facilities for collecting, pumping, treating, and disposing of wastewater. Also see "Publicly Owned Treatment Works (POTW)."

"Sewer" shall mean a pipe or conduit for carrying wastewater.

"Sewer, Combined" shall mean a sewer designed to receive and transport both surface runoff and sewage.

"Sewer, Public" shall mean a sewer in which all abutting property owners have equal rights, and the use of which is controlled by the HCSD.

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

"Sewer, Storm (Storm Drain)" shall mean 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)" shall mean all facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

"Sewerage Surcharge" shall mean 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.

"Sewer Use" shall mean the owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the District and abutting any street, alley, or right-of-way in which there is located a public sanitary sewer within 100 feet of the property line whether connected or unconnected to such public sanitary sewer.

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

"Significant Industrial User" shall mean:

1. Any industrial user subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

2. Any other industrial user that:

    a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

    b. Contributes a process wastewater which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

    c. Is designated as such by the HCSD on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

3. Upon a finding that an industrial user meeting the criteria in Paragraph 2 has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the HCSD may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

"Significant Non-Compliance (SNC)" shall mean any industrial user violation(s) which meet(s) one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those, in which 66 percent or more of all of the wastewater measurements taken for the same pollutant parameter taken during a six-month period exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, by any amount.
   Technical Review Criteria (TRC) violations, defined here as those, in which 33 percent or more of all of the wastewater measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, multiplied by the applicable criteria ((1.4 for BOD, tss, fats, oils and grease and 1.2 for all other pollutants except pH).

2. Any other violation of a pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of POTW personnel or the general public.

3. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Control Authority's exercise of its emergency authority under Article 11 of this Law.

4. 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.

5. 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.

6. Failure to report accurately any non-compliance.

7. Any other violation(s), which may include a violation of the best management practices, which the District determines will adversely affect the implementation or operation of the local pretreatment program.

"Slug" shall mean any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations,

local limits or Permit conditions. 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 15 minutes, more than five times the average 24-hour concentration or flow during normal user operations, shall constitute a slug.

"Slug Loading" or Slug Discharge shall mean any pollutant discharge having a reasonable potential for violating the specific prohibitions under 40 CFR Part 403.5(b).

"Standard Industrial Classification (SIC)" shall mean classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or the most recent edition issued thereafter.

"Standard Methods" shall mean the latest edition 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.

"State" shall mean the State of New York.

"State's Waters" - see definition of the term "Waters of the State."

Public *"Storm Sewer"* or *"Storm Drain"* shall mean a pipe or conduit which carries storm and surface waters and drainage but excludes wastewater and industrial wastes.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Substance of Concern" shall mean a substance from the list of substances which the NYSDEC considers to be of environmental concern. (Taken from NYDEC's "Model Sewer Use Law" 1994 Revision).

"Sump Pump" shall mean a mechanism used for removing water from a sump or wet well.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, or which settle and which are removable by laboratory filtering and expressed as dry weight in terms of mg/l.

"Total Kjeldahl Nitrogen (TKN)" shall mean 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" shall mean 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.

"Toxic Pollutant Substance" shall mean 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 administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other Acts.

"United States Environmental Protection Agency" or "USEPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, a designation for the administrator or other duly authorized official of said agency.

"User" shall mean any person who contributes, causes, or permits the contribution of wastewater into the POTW.

"User, Existing" shall mean a discharger to the POTW who is discharging on or before the effective date of this Law.

"User, Industrial" shall mean a discharger to the POTW who discharges non-domestic wastewaters.

"User, New" shall mean a discharger to the POTW who initiates discharge after the effective date of this Law.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, 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. This term shall mean the same as, and shall be interchangeable with the term "sewage" as defined herein.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

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

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

"Waters of the State" shall mean all streams, lakes, ponds, marshes, watercourses, 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 104 - 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

EPA - U.S. Environmental Protection Agency

HCSD - Herkimer County Sewer District

L - Liter

mg - Milligrams
mg/l - Milligrams per liter

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

POTW - Publicly Owned Treatment Works
PPM - Parts per Million, Weight Basis
PSI - Pounds per Square Inch

TSS - Total Suspended Solids

SIC - Standard Industrial Classification
SPDES - State Pollutant Discharge Elimination System

WDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

U.S.C. - United States Code
USEPA - United States Environmental Protection Agency

SECTION 105 - 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.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 201 - WASTE DISPOSAL UNLAWFUL

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human or animal excrement, garbage, or other 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 202 - 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 203 - DISCHARGE OF SEWAGE INTO WELL PROHIBITED

No person shall discharge sewage into a well.

SECTION 204 - WASTEWATER DISCHARGE UNLAWFUL

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

SECTION 205 - 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 disposal, 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 206 - PRIVATE WASTEWATER DISPOSAL UNLAWFUL

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

SECTION 207 - CONNECTION TO PUBLIC SEWER REQUIRED

The owner of any house, building, or property 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, 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 Local Law, within ninety (90) days after the date of official notice to do so, provided that the public sewer is located within one hundred feet (100') of the property line.

SECTION 208 - LIMITATION ON USE OF PUBLIC SEWERS

The use of the Herkimer County Sewer District public sewers shall be strictly limited and restricted, except as provided in Section 207, 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 209 - WASTEWATER FROM OUTSIDE THE POTW SERVICE AREA - INTER-MUNICIPAL AGREEMENTS

The Herkimer County Sewer District Board shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from sources located outside of the POTW service area. The discharge shall be made only with the expressed written consent of the Herkimer County Sewer District (the issuance of a permit) setting forth the terms and conditions of such acceptance.

SECTION 210 - MORATORIUM

At the recommendation of the Pretreatment Officer, 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 Herkimer County Sewer District Board 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. Enlargement of existing facilities.
3. Correction of inflow and infiltration.
4. Cleaning and repairing of existing facilities.

SECTION 211 - 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 Herkimer County Sewer District Board, NYSDEC, USEPA, and/or other such State and Federal agencies, which have enforcement powers.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

SECTION 301 - PUBLIC SEWER UNAVAILABLE - PRIVATE WASTEWATER DISPOSAL REQUIRED

Where a public sanitary sewer is not available, under the provisions of Section 207, the building sewer 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 local codes enforcement officer.

SECTION 302 - 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 303 - DIRECT CONNECTION TO NEW PUBLIC SEWERS REQUIRED

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 207, a direct connection shall be made to the public sewer in compliance with this Local Law, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and either filled with suitable material or removed and properly disposed within a reasonable time. 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. Alternatively, the septic tank effluent may be piped or pumped to the sewer; the owner shall provide an easement to the septic tank for septage removal.

SECTION 304 - ADDITIONAL REQUIREMENTS

No statement contained in this Article shall be construed to prevent, or interfere with, any additional requirements that may be deemed necessary by the Herkimer County Sewer District, to protect public health and public welfare.

ARTICLE IV

BUILDING LATERALS, STREET LATERALS, CONNECTIONS, AND FEES

SECTION 401 - PERMIT REQUIRED FOR SEWER CONNECTIONS

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

SECTION 402 - INFLOW/INFILTRATION PROHIBITED

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

SECTION 403 - SEWER LATERAL PERMITS

There shall be three classes of sewer lateral permits: 1) for residential sewers; 2) for commercial and industrial sewer connections; and 3) for private wastewater disposal connections. The owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the District. A building sewer permit and inspection fee fixed by the District shall be paid to the District or Municipality at the time an application is filed. The District shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a single residential structure; and in the case of a multiple dwelling structure, shall fix a fee based upon the approved number of living units served by a separate building sewer as compared to the demands of a single residential structure.

SECTION 404 - NEW BUILDING LATERALS

A separate and independent building lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or

can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, the number of living units served by a separate building sewer shall be approved by the Sewer District Board or its duly authorized designee.

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 District 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 District. No new manholes shall be constructed on the portion of the lateral under the building.

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 District 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 pursuant to Section 504 and the lateral connection made and tested as directed by the District. Plans and specifications shall be prepared and submitted for approval pursuant to this Law.

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

SECTION 405 - USING EXISTING BUILDING LATERALS

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer District Board, or its duly authorized designee, to meet all requirements of this Local Law.

In the event an existing building sewer shall be repaired or replaced, the same requirements contained herein shall be applicable thereto and shall be complied with by the owner or his agent.

SECTION 406 - LATERAL PIPE MATERIALS

The building and street lateral pipe materials shall be one of the following:

1. Tar-coated, extra-heavy cast iron soil pipe, conforming to ASTM Specification A74, an American Standards Association (ASA) Specification A-40.1.; or asbestos-cement

house connection pipe conforming to ASTM Specification C-428, Type II, minimum Class 2400. All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end," if gasket joints are used, or:

2. Polyvinyl chloride (PVC) pipe conforming to ASTM Specification D-3034-73, "SDR 35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings." All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum "Pipe Stiffness" (F/Y) at five percent (5%) deflection shall be 46 PSI when tested in accordance with ASTM Specification D-2412. Joints shall be tight and waterproof.

Any part of the building or street lateral that is located within 5 feet of a water main or water service shall be constructed of cast iron soil pipe. Cast iron soil pipe may be required by the District where the building or street lateral is likely to be damaged by tree roots. If installed on fill or unstable ground, the building or street lateral shall be of cast iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the District.

All building sewer pipe shall have a minimum spacing of five feet (5') between joints if iron pipe is used and ten feet (10') feet between joints if PVC pipe is used.

Building sewers must have a cleanout brought to grade:

1. On the downstream side of, and adjacent to, a building trap.

2. At intervals of every seventy-five feet (75') of developed length. Vertical or horizontal changes in direction of sewer piping shall be made with fittings that have offsets of forty-five degrees (45) or less. A composite total of 90 degrees change in direction is allowed between the building and the main sewer.

SECTION 407 - MINIMUM SEWER SIZE AND SLOPE

The size and slope of the building sewer shall be subject to the approval of the Sewer District Board or its duly authorized designee, but in no event shall the diameter be less than four inches (4"), nor shall the slope of the pipe be less than one-fourth inch (1/4") per foot.

SECTION 408 - STREET LATERAL CONNECTION TO PUBLIC SEWER

1. General - At the point of connection of a street lateral to a public sewer, a standard wye fitting and sufficient one-eighth (45-degree) bend fittings shall be used. The wye fittings shall be installed so that flow in the "arm" shall transition smoothly into the

flow in the public sewer. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles.

The inside diameter of the fittings shall be same diameter as the street lateral inside diameter.

2 Future Connection Locations/As-Built Drawings - The street lateral, including the wye and eighth bend fittings, shall be connected to the main sewer at the time of constructing the main sewer for each proposed lot for either immediate or future development. Laterals installed for future development shall be fitted a standard plug approved for use by the District. All sewer connections shall be via a properly installed saddle on the main sewer pipe. No portion of the lateral pipe shall protrude into the main sewer pipe. The location of all lateral connections shall be field marked with a 2-inch by 6-inch corrosion and rot resistant board. The marker board shall extend from the depth of the lateral to a minimum of 2 feet above grade. The location of all lateral connections shall be indicated on a drawing with a minimum of three tie lines indicated. Four copies of this drawing showing the as-built location of these connections shall be furnished to the District. A refundable deposit shall be placed with the District to assure receipt of these as-builts. The deposit shall be placed when application is made; the amount of the deposit shall be $100 per sheet of plans showing locations of lateral connections. No sanitary sewer shall be accepted by the District until four copies of this record drawing have been so filed and approved.

3. 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 District, 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 District 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 District. If required, a new manhole shall be installed in the public sewer pursuant to Section 504 and the lateral connection made thereto as directed by the District.

SECTION 409 - LATERALS AT AND NEAR BUILDINGS

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet (3') of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three feet (3').

The building sewer 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 other approved means.

SECTION 410 - SEWAGE LIFTING

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater or industrial wastes carried by such drain shall be lifted and discharged to the building sewer by mechanical means approved by the District at the expense of the owner.

SECTION 411 - LATERAL PIPE INSTALLATION

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Sewer District Board or its duly authorized designee. Pipe laying and backfilling, regardless of pipe material used, shall be performed in general accordance with Sections 3 through 6 of ASTM Specification C-12, except that no backfill shall be placed until the work has been inspected and except that trench width measured at the crown of the installed pipe shall not exceed the outside diameter of the pipe plus 24 inches. Trench backfill shall consist of: (1) a bedding of compacted pea stone, or crushed stone, or crusher run limestone, with one inch (1") maximum size stone, four inches (4") under, and six inches (6") over the pipe; and (2) the balance of trench backfilled with suitable material and compacted to minimize trench settlement.

Installation of bedding under the pipe shall be complete prior to inspection by the Board or its duly authorized designee.

SECTION 412 - WATERTIGHT JOINTS

1. General - All joints and connections shall be made gas-tight and watertight. No cement joints will be permitted. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between any two types of pipe or other pipe material shall be made with special adaptors and joint materials approved by the Sewer District Board or its duly authorized designee.

2. Cast Iron Pipe Poured Joints - Poured joints for cast iron pipe shall be firmly packed with oakum or hemp, and the annulus filled with an approved compound not less than 1 inch deep. The said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the District. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160 degrees F, nor be soluble in any of the wastes carried by the lateral.

3. Cast Iron Push Joints - Pre-molded gaskets may be used for hub and plain-end cast-iron pipe if approved by the District. The gasket shall be a neoprene compression-type gasket which provides a positive seal in the assembled joint. The gasket shall be

a pre-molded, one-piece unit designed for joining the cast iron hub and plain-end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

4. PVC Push Joints - Joints for PVC sewer pipe shall follow the manufacturer's recommendations using properly designed couplings and rubber gaskets pursuant to the published information relating thereto, and conforming to the applicable ASTM specification identified in Section 406.

SECTION 413 - BUILDING LATERAL/STREET LATERAL CONNECTION

1. General - The connection of the building lateral to an existing street lateral shall be made at the property line. Except as provided under Sections 502 and 503, a street lateral has not previously been provided, such will be constructed from the existing public sewer to the property line by the Municipality (or the District by contractual agreement) upon submittal of a proper request by the owner and upon deposit of the estimated cost thereof. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the District and the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Sewer District Board or its duly authorized designee.

2. Cleanout Repair/Replacement - If, in the judgement of the District, it is determined that a building lateral, without a property line cleanout, needs repair or replacement, the Municipality (or the District by contractual agreement) may install a cleanout at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

3. Street Lateral Replacement; Ownership - Any existing street lateral, which upon examination by the District, is determined to be in need of replacement will be replaced with a new street lateral with a property line cleanout. The replacement street lateral shall be constructed by a licensed plumber. The cost of constructing the replacement street lateral and cleanout shall be at the property owner's expense. Once the replacement street lateral and cleanout have been constructed and approved by the District, the new street lateral shall become the property of the Municipality (or District by contractual agreement). Any repairs to new street laterals shall be made by the Municipality at the Municipality's expense.

SECTION 414 - TESTING

The street lateral, building lateral, or the combined lateral shall be tested for infiltration/exfiltration by:

1. Any full pipe method described in Section 505; or
2. By a suitable joint method with the prior written approval of the District.

SECTION 415 - CONNECTION INSPECTION

The applicant for the building lateral permit shall notify the Sewer District Board at least 24 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sewer District Board or its duly authorized designee.

SECTION 416 - TRENCH INSPECTIONS

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Sewer District Board or its duly authorized designee. Before the trenches are backfilled, the person performing such work shall notify the Sewer District Board or its duly authorized designee when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of $25.00 for each offense, and such person will expose the pipe at his own expense until inspected by the Sewer District Board or its duly authorized designee.

SECTION 417 - PUBLIC SAFETY PROVISIONS REQUIRED; RESTORATION OF DISTURBED AREAS

All excavations for building sewer installations shall be adequately guarded 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 District.

SECTION 418 - INTERIOR CLEANOUT

An interior cleanout 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 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 419 - 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 District. The property owner shall indemnify the 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.

ARTICLE V

NEW SEWERS OR SEWER EXTENSIONS

SECTION 501 - PROPER DESIGN

New sanitary sewers and all extensions to the sanitary sewer system owned and maintained by the District or the Municipality shall be properly designed, by a professional licensed to practice sewer design 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 submitted to, and written approval obtained from the Herkimer County Sewer District, and the New York State Department of Environmental Conservation, before initiating any construction. The design of sewers must 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 will be denied. Sewer line and POTW treatment capacity shall be defined as the present usage plus any unutilized capacity which has been committed, by resolution, to other users by the Herkimer County Sewer District Board.

SECTION 502A - NEW SEWERS SUBJECT TO APPROVAL, FEES, INSPECTION, TESTING, AND REPORTING

When a property owner, building, 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 Herkimer County Sewer District 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 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 in Section 503, 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 District without prior notice. The District 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 infiltration test (or the exfiltration test, with prior approval), required in Section 505 before any building lateral is connected thereto. The District 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 Herkimer County Sewer District Board until such construction inspections have been made so as to assure the Herkimer County Sewer District Board of compliance with this Law and any amendments or additions thereto. The District 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 502B - PLANS, SPECIFICATION, AND PIPE TEST RESULTS REQUIRED

Plans, specifications, and methods of installation shall conform to the requirements of this Article. Components and materials of wastewater facilities not covered in this Law, such as pumping stations, lift stations, or force mains, shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. Force main details are covered in Section 506. When requested, the applicant shall submit, to the Herkimer County Sewer District, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall be furnished upon request.

SECTION 503A - SEWER PIPE

1. Sewer pipe material shall be:

    a. Reinforced Concrete Pipe (Note that non-reinforced concrete pipe shall not be used.) Portland cement shall conform to ASTM C-150 Type II. The pipe and specials shall conform to ASTM Specification C-76. The reinforcing wire cage shall conform to ASTM Specification A 15, A 82, or A 185, as appropriate. Entrained air shall be 5.0% to 9.0% by ASTM C-890. Water absorption and three-edge bearing tests shall conform to ASTM Specification C-497. Gaskets shall conform to Sections 3.3 and 3.4 of AWWA Specification C-302.

    b. Cast Iron Pipe - Extra Heavy

        Pipe, fittings, and specials shall conform to the requirements of ASTM Specification A-74 or ANSI A-21.11. Gaskets shall conform to ASTM Specification C-564.

    c. Polyvinyl Chloride (PVC) Pipe - Heavy Wall

        Pipe shall be made from Class 12454-B materials or better in accordance with ANSI/ASTM Specification D-1784. Pipe and accessories shall conform to the

requirements of the following, with a minimum pipe stiffness of 46 PSI at a maximum deflection of five percent (5%).

ANSI/ASTM	D 3034	(4" - 15")
ASTM	F 679 Type I	(18" - 27")

d. Ductile Iron Pipe

Pipe, fittings, and specials shall be manufactured in accordance with ASTM Specification A-746. Pipe shall have a minimum thickness of Class 50. Fittings shall conform to ANSI Specification A-21.11 and have a minimum pressure class rating of 150 PSI. All pipe and fittings shall be cement mortar lined in accordance with ANSI Specification A-21.4 at twice the specified thickness, and have an internal and external bituminous seal coating. Closure pieces shall be jointed by means of a mechanical coupling of the cast sleeve type.

e. Vitrified Clay Pipe - Extra strength

(Note that standard strength vitrified clay pipe shall not be used.)

Pipe shall conform to the current requirements of NCPI Specification ER 3300-67 and meet the requirements of ASTM Specification C 700.

f. Acrylonitrile-Butadiene-Styrene (ABS) Pipe

Pipe and fittings shall conform to the requirements of ASTM Specification D 2661.

g. Other pipe materials

Other pipe materials require prior written approval of the Herkimer County Sewer District before being installed.

2. The minimum internal pipe diameter shall be 8 inches for gravity sewers and 3 inches for low pressure sewers.

3. Joints for the selected pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are used.

4. Gaskets shall be continuous, solid, natural or synthetic rubber, and shall provide a positive compression seal in the assembled joint, such that the requirements of Section 505 are met.

5. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations.

6. Wye branch fittings, as approved by the District, shall be installed, for connection of street laterals in accordance with Section 406.

SECTION 503B - SAFETY AND LOAD FACTORS

Pipe wall thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.5 (minimum)
Load Factor	1.7 (maximum)
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.

Utilizing the above information, design shall be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, latest edition, "Design and Construction of Sanitary and Storm Sewers", and the pipe shall have sufficient structural strength to support all loads to be placed on the pipe, with a safety factor as specified above.

PVC pipe shall not be encased in concrete due to their different coefficients of linear thermal expansion.

SECTION 503C - SEWER PIPE INSTALLATION

1. Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled to that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

2. The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

3. The public shall be protected from personal and property damage as a result of the construction work.

4. Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least one-half of a street shall be kept open for traffic flow.

5. Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control

can be effected by limiting the amount of clearing and grubbing prior to trenching, proper scheduling of the pipe installation work, minimizing time of open trench, prompt grading and seeding, and filtration of drainage.

6. The trench shall be excavated only wide enough for proper installation of the sewer pipe, manhole, and appurtenances. Allowances may be made for sheeting, dewatering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing or by other methods as approved by the Superintendent, before trench excavation is initiated.

7. Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

8. Open trenches shall be protected at all hours of the day with barricades, as required.

9. Trenches shall not be open for more than 30 feet in advance of pipe installation nor left unfilled for more than 30 feet in the rear of the installed pipe, when the work is in progress, without permission of the Superintendent. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.

10. The trench shall be excavated approximately 6 inches deeper than the final pipe grade. When unsuitable soils are encountered, these shall be excavated to a maximum depth of 2-1/2 feet below the final pipe invert grade and replaced with select materials.

11. Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for 5 feet at the transition from rock bottom to earth bottom centered on the transition.

12. Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods.

13. No structure shall be undercut unless specifically approved by the Superintendent.

14. Proper devices shall be provided and maintained operational at all times to remove all water from the trench as it enters. At no time shall the sewer line be used for removal of water from the trench.

15. To protect workers and to prevent caving, shoring and sheeting shall be used as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed, but cut off no lower than 1 foot above the pipe crown nor no higher than 1 foot below final grade and left in the trench during backfill operations.

16. The pipe barrel shall be supported along its entire length on a minimum of 6 inches of crusher run maximum 1/2-inch stone free of organic material. This foundation shall be firmly tamped in the excavation.

17. Bell holes shall be hand excavated as appropriate.

18. Pipe shall be laid from low elevation to high elevation. The pipe bell shall be upgradient; the pipe spigot shall be downgradient.

19. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

20. The grade and alignment shall be checked and made correct. The pipe shall be in straight alignment. Any negotiation of curves shall be at manholes, except when site conditions require alternative pipe laying procedures. These alternative procedures, including bending the pipe barrel, deflecting the joint, and using special fittings shall require prior written approval of the plans and also written confirmation approval of need by the District after examination of the site conditions.

21. When a smaller sewer joins a larger one, the invert of the larger sewer shall be lowered sufficiently to maintain the same hydraulic gradient. An approximate method which may be used for securing this result is to place the 0.8 depth of both sewers at the same elevation.

22. Crushed stone shall be placed over the laid pipe to a depth of at least 6 inches. The embedment of thermoplastic pipe shall be in accordance with ASTM D2321 using Class 1A or 1B backfill materials. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.

23. The migration of fines from surrounding backfill or native soils shall be restricted by gradation of embedment materials or by use of suitable filter fabric.

24. The remaining portion of the trench above the pipe embedment shall be backfilled in foot lifts which shall be firmly compacted. Compaction near/under roadway, driveways, sidewalks, and other structures shall be to 95 percent of the maximum moisture-density relationship, as determined by ASTM Specification D698, Method D. Ice, snow, or frozen material shall not be used for backfill.

SECTION 503D - CLEANOUT INSTALLATION

1. Cleanouts for low pressure sewers shall be placed at intervals of approximately 400 to 500 feet at major changes of direction where one collection main joins another main and at the upstream end of each main branch.

2. The design of the cleanouts shall be as approved by the Superintendent.

SECTION 504 - MANHOLES AND MANHOLE INSTALLATION

1. Design of all manholes shall be submitted to the District and shall receive approval prior to placement.

2. Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet, except as authorized by the District.

3. Manhole bases shall be constructed or placed on a minimum of 6 inches of crusher run maximum 1/2-inch stone free of organic materials.

4. Manhole bases shall be constructed of 4,000 psi (28 day) concrete 8 inches thick, or shall be precast bases properly bedded in the excavation. Field constructed bases shall be monolithic, properly reinforced, and extend at least 6 inches beyond the outside walls of lower manhole sections. Precast manhole bases shall extend at least 6 inches beyond the outside walls of lower manhole sections.

5. Manholes shall be constructed using precast minimum 4 foot diameter concrete manhole barrel sections, and an eccentric top section, conforming to ASTM Specification C-478, with the following exceptions on wall thickness:

Manhole Diameter/Feet	Wall Thickness/Inches
4	5
5	6
6	7
6-1/2	7-1/2
7	8
8	9

All sections shall be cast solid, without lifting holes. Flat top slabs shall be a minimum of 8 inches thick and shall be capable of supporting a H-20 loading.

6. All joints between sections shall be sealed with an "O" ring rubber gasket, meeting the same specifications as pipe joint gaskets, or butyl joint sealant completely filling the joint.

7. All joints shall be sealed against infiltration. All metal parts shall be thickly coated with bitumastic or elastomeric compound to prevent corrosion.

8. No steps or ladder rungs shall be installed in the inside or outside manhole walls at any time.

9. No holes shall be cut into the manhole sections closer than 6 inches from joint surfaces.

10. Manholes which extend above grade shall not have an eccentric top section. The top plate shall be large enough to accommodate the cover lifting device and the cover.

11. The elevation of the top section shall be such that the cover frame top elevation is 0.5 foot above the 100-year flood elevation (in a field), 0.5 foot above a lawn elevation, or at finished road or sidewalk grade.

12. When located in a traveled area (road or sidewalk), the manhole frame and cover shall be heavy duty cast iron. When located in a lawn or in a field, the manhole frame and cover may be light duty cast iron. The cover shall be 36 inches in diameter. The minimum combined weight of the heavy duty frame and the cover shall be 735 ±5% lbs. The minimum combined weight of the light duty frame and the cover shall be 420 ±5% lbs. The mating surfaces shall be machined, and painted with tar pitch varnish. The cover shall not rock in the frame. Infiltration between the cover and frame shall be prevented by proper design and painting. Covers shall have "Sanitary Sewer" cast into them. Covers shall have lifting holes suitable for any lifting/jacking device. The lifting holes shall be designed so that infiltration is prevented.

13. A drop of at least 0.1 foot shall be provided between incoming and outgoing sewers on all junction manholes and on manholes with bends greater than 45 degrees.

14. Inverts and shelves/benches shall be placed after testing the manholes and sewers.

15. Benches shall be level and slope to the flow channel at about 1 inch per foot.

16. The minimum depth of the flow channel shall be the nominal diameter of the smaller pipe. The channel shall have a steel trowel finish. The flow channel shall have a smooth curvature from inlet to outlet.

17. Manhole frames, installed at grade, shall be set in a full bed of mortar with no less than two nor more than four courses of brick underneath to allow for later elevation adjustment. In lieu of brick, grade rings may be used for elevation adjustment. Grade rings shall not exceed 6 inches in depth. The total number of grade rings shall not exceed 12 inches in height, however, in no event shall more than 3 grade rings be used.

18. Manholes which extend above grade, shall have the frames cast into the manhole top plate. The top plate shall be securely anchored to the manhole barrel, by a minimum of six 1/2 inch corrosion resistant anchor bolts, to prevent overturning when the cover is removed. The anchor bolts shall be electrically isolated from the manhole frame and cover.

19. Internal drop pipes and fittings shall be PVC plastic sewer pipe in compliance with ASTM D2241. Corrosion resistant anchors shall be used to attach the drop pipe to the inside surface of the manhole barrel.

SECTION 505 - INFILTRATION/EXFILTRATION TESTING

1. General Requirements - All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the Herkimer County Sewer District. The infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches. An exfiltration test may be substituted for the infiltration test; the same rate shall not be exceeded. The exfiltration test shall be performed by the applicant, under the supervision of the Herkimer County Sewer District or its designee, who shall have the responsibility for making proper and accurate measurements required. The exfiltration test consists of filling the pipe with water to provide a head of at least 5 feet above the top of the pipe or 5 feet above groundwater, whichever is higher, at the highest point under test, and then measuring the loss of water, from the pipe section under test, by the amount of water which must be added to maintain the original level. However, under no circumstances shall the head at the downstream manhole exceed ten (10) feet or fill to within six (6) inches of the top of the downstream manhole. Should this condition prevail, the testing methods in Sections 505(6) and/or 505(7) shall be utilized. In this test, the test section must remain filled with water for at least 24 hours prior to taking any measurements. Exfiltration shall be measured by the drop of water level in a standpipe with a closed bottom end, or in one of the sewer manholes serving the test section. When a standpipe and plug arrangement is used in the upper manhole in the test section, there shall be some positive method for releasing entrapped air prior to taking any measurements.

2. Test Section - The test section shall be as ordered or as approved, but in no event longer than 1,000 feet. In the case of sewers laid on steep grades, the test length may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the test section. For purposes of determining the leakage rate of the test section, manholes shall be considered as sections of 48-inch diameter pipe, 5 feet long. The maximum allowable leakage rate for such a section is 1.1 gallons per 24 - hours. If leakage exceeds the allowable rate, then necessary repairs or replacements shall be made, and the section retested.

3. Test Period - The test period, during which the test measurements are taken, shall not be less than two (2) hours.

4. Pipe Lamping - Prior to testing, the section shall be lamped. Any length of pipe out of straight alignment shall be realigned.

5. Deflection Testing - Also prior to testing, all plastic pipe, in the test section, shall be tested for deflection. Deflection testing shall involve the pulling of a rigid ball or mandrel, whose diameter is 95 percent of the pipe inside diameter, through the pipe. Any length of pipe with a deflection greater than 5 percent shall be replaced. The test section shall be flushed just prior to deflection testing. The test shall not be performed with a mechanical pulling device.

6. Low Pressure Air Testing Alternative - In lieu of hydrostatic testing (exfiltration or infiltration), low pressure air testing may be employed. Low pressure air tests shall conform to ASTM Specification C 828. All sections to be tested shall be cleaned and flushed, and shall have been backfilled, prior to testing. Air shall be added until the internal pressure of the test section is raised to approximately 4.0 PSIG. The air pressure test shall be based on the time, measured in seconds, for the air pressure to drop from 3.5 PSIG to 2.5 PSIG.

   Acceptance is based on limits tabulated in the "Specification Time Required for a 1.0 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice For Low-Pressure Air Testing of Installed Sewer Pipe."

   Before pressure is applied to the line all connections shall be firmly plugged. Before the test period starts, the air shall be given sufficient time to cool to ambient temperature in the test section.

   If the test section is below groundwater, the test pressure shall be increased an amount sufficient to compensate for groundwater hydrostatic pressure, however, the test pressure shall not exceed 10 PSI, or a lower pressure as required by the District.

   The pressure test gauge shall have been recently calibrated, and a copy of the calibration results shall be made available to the District prior to testing.

7. Vacuum Testing Alternative - In lieu of hydrostatic testing (exfiltration or infiltration), vacuum testing may be employed for testing of sewer lines and manholes. Sewer lines and manholes shall be tested separately. All sewer lines to be tested shall be cleaned and flushed, and shall have been backfilled prior to testing. The vacuum test shall be based on the time, measured in seconds, for the vacuum to decrease from 10 inches of mercury to 9 inches of mercury for manholes, and from 7 inches of mercury to 6 inches of mercury for sewers.

   Acceptance of manholes is based on the following:

Manhole Depth	Manhole Diameter	Time to Drop 1" Hg (10" to 9")
10 Feet or Less	4 Feet	120 Seconds
10 Feet to 15 Feet	4 Feet	150 Seconds
15 Feet to 25 Feet	4 Feet	180 Seconds

   For 5-foot diameter manholes, add 30 seconds to the times above.
   For 6-foot diameter manholes, add 60 seconds to the times above.

   If the test on the manhole fails (the time is less than that tabulated above), necessary repairs shall be made and the vacuum test repeated, until the manhole passes the test.

Acceptance of sewers (7" Hg to 6" Hg) is based on the time tabulated in the "Specification Time Required for a 0.5 PSIG Pressure Drop" in the Uni-Bell PVC Pipe Association "Recommended Practice for Low-Pressure Air Testing of Installed Sewer Pipe."

The vacuum test gauge shall have been recently calibrated and a copy of the calibration results shall be made available to the Superintendent prior to testing.

SECTION 506 - FORCE MAINS

1. Design Requirements - Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 501. Additional design requirements are:

   a. Force main pipe material shall be:

      1) Ductile Iron Pipe - Pipe shall conform to ANSI A21.51. The minimum wall thickness shall be Class 52 (ANSI A21.50). The pipe shall be clearly marked with either "D" or "DUCTILE." Fittings shall conform to ANSI A21.10. Pipe and fittings shall be furnished with push-on joints conforming to ANSI A21.11. Pipe and fittings shall be cement mortar lined and have an internal and external bituminous seal coating.

      2) Polyvinyl Chloride (PVC) Plastic Pipe - Pipe shall conform to ASTM D2241. Materials used in the manufacture of PVC pipe shall meet ASTM c1784. The minimum wall thickness shall be SDR-21. Fittings shall conform to ASTM D2241. Joints and gaskets shall conform to ASTM D2241, D1869, and F477.

      3) Other pipe materials - Other pipe materials require prior written approval of the District before being installed.

   b. Trenching, bedding, and backfilling shall be in accordance with Section 503.

   c. Joint preparation and assembly shall be in accordance with the manufacturer's written instructions.

   d. Anchorages, concrete blocking, and/or mechanical restraint shall be provided when there is a change of direction of 7-1/2 degrees or greater.

   e. Drain valves shall be placed at low points.

   f. Automatic air relief valves shall be placed at high points and at 400-foot intervals, on level force main runs.

g. Air relief and drain valves shall be suitably protected from freezing.

h. When the daily average design detention time, in the force main, exceeds 20 minutes, the manhole and sewer line receiving the force main discharge or the sewage shall be treated so that corrosion of the manhole and the exiting line are prevented. The corrosion is caused by sulfuric acid biochemically produced from hydrogen sulfide anaerobically produced in the force main.

i. The force main shall terminate, in the receiving manhole, at a PVC plastic sewer pipe "T". The vertical arms of the "T" shall be twice the diameter of the force main. The upper arm shall be at least 4 feet long; the lower arm shall terminate in a PVC plastic sewer pipe 90 degree elbow in a flow channel directed to the manhole exit pipe. The "T" and its arms shall be securely fastened to the inside surface of the manhole wall using corrosion resistant anchors.

2. Testing Requirements - All force mains shall be subjected to hydrostatic pressure of 150 percent of the normal operating pressure. The duration of the test, at pressure, shall be at least 2 hours. Before conducting the test, the pipe shall be filled with water and all air shall be expelled. During the test, water shall be added, as needed, to maintain the test pressure. The amount of water added shall be recorded so as to calculate leakage. Leakage shall not exceed 25 gallons per day per mile per inch nominal pipe diameter. During the test, the owner and the Herkimer County Sewer District Board or its designee shall walk the route of the force main and examine the exposed pipe and the ground covering any backfilled pipe to discover leaks. Leakage in excess of that specified above shall be corrected with new material at the owner's expense and the test repeated. Any observed leaks shall be repaired at the owner's expense. Each test section length shall be as approved by the District, but in no event longer than 1,000 feet.

SECTION 507 - FINAL ACCEPTANCE AND WARRANTY/SURETY

All sewer extensions constructed at the property Owner's, Builder's, or Developer's expense, after final approval and acceptance by the Engineer, shall become the property of the District or Municipality and shall thereafter be maintained by the District or Municipality. No sanitary sewer shall be accepted by the Herkimer County Sewer District until four (4) copies of as-built drawings have been so filed with the District and the Herkimer County Sewer District Board has approved the submitted drawings. Said sewers, after their acceptance by the District, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided by the District. At the sole discretion of the District, a completion bond or certified check may be demanded as part of the guarantee.

SECTION 508 - LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION PERIOD

1. All contractors engaged in connecting house laterals with sanitary sewers, who perform any work within the Right of Way of any highway, shall file a bond with the Herkimer County Sewer District to indemnify the District against loss, cost, damage, or expense sustained or recovered on account of any negligence, omission, or act of the applicant for such a permit, or any of his or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction, or excavation done, made, or permitted under authority of such permit or consent. All bonds shall contain a clause stating that permits issued by the Herkimer County Sewer District Board may be revoked at any time for just cause.

2. Before commencing work, the above contractor shall file insurance certificates with the Herkimer County Sewer District for the following:

   a. Workman's Compensation and Employer's Liability Insurance as required by the laws of the State covering the contractor.

   b. Personal Injury Liability (completed operations/products, personal injury).

   c. Property Damage Liability for all damages arising during the life of the contract, and shall include, but not be limited to, the following designated hazards:

      i Premises and Operations
      ii Independent Contractors
      iii Completed Operations and Products
      iv Property Damage
      v Explosions, Collapse, and Underground

   d. Comprehensive automobile liability (including non-owned and hired automobiles):

      1) Bodily injury - each person
         - each occurrence

      2) Property damage - each occurrence

   e. Business Excess Liability Insurance.

   f. All insurance policies must provide for five business days notice to the District before cancellation and must cover all liabilities of the District and be in a form approved by the Herkimer County Sewer District Board.

   g. Minimum insurance limits shall be established by the Herkimer County Sewer District Board and periodic adjustments made as appropriate.

3. Where it is necessary to enter upon or excavate any highway or cut any pavement, sidewalk, or curbing, permission must be obtained from the Superintendent of Highways if a highway is involved, from the County Department of Public Works if a County highway is involved, and/or the New York State Department of Transportation if a State highway is involved.

SECTION 509 - APPROVED WASTE DISPOSAL REQUIRED FOR NEW STRUCTURES

No Builder or Developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the District, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

ARTICLE VI

GENERAL SEWER USE REQUIREMENTS

SECTION 601 - PROHIBITED DISCHARGE STANDARDS

A. General Prohibitions - No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW, whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions - No user shall discharge or cause to be discharged, directly or indirectly, any of the following described waters or wastes to any public sewer:

1. Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment facilities resulting in interference, but in no case wastewater which causes the temperature in the District wastewater sewer to exceed 63.5 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F).

2. Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees F.

3. Any commercial, institutional, or industrial waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 100 milligrams per liter (417 pounds per million gallons) ether soluble matter.

4. Any pollutant which could create a fire or explosion hazard in the POTW, including, but not limited to, wastewaters having a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

5. Any noxious or malodorous liquids, gases, solids or other wastewater (such as, hydrogen sulfide, sulfur dioxide, or nitrous oxide) which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

6. Any garbage that has not been properly shredded so that no particle is greater than one-half inch (1/2") in any dimension. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Sewer District Board or its duly authorized designee.

7. Any ashes, lint, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, sawdust, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, grain processing wastes, acetylene generating sludge, whey, chemical residues, paint residues or acid residues, cannery waste, food processing, bulk solids, snow, ice, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewers or treatment works.

8. Wastewater having a pH less than 5.0, or otherwise capable of causing corrosive structural damage to or inhibiting the operation and/or performance of the POTW.

9. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that for a duration of 15 minutes have a concentration greater than 5 times that of "normal" wastewater as measured by suspended solids and BOD and/or which are discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal wastewater shall be construed to fall within the following ranges:

Suspended solids	180 to 350 mg/L
BOD (5-day)	140 to 300 mg/L
Chlorine Requirements	5 to 15 mg/L

11. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the District. Stormwater and all other unpolluted drainage shall be

discharged to such sewers as are specifically designated as storm sewers, or to a watercourse.

12. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, 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.

13. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with the sludge use or disposal criteria, guidelines or regulations, developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge method being used.

14. Any substance which will cause the POTW to violate its SPDES Permit limits or the receiving water quality standards.

15. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

16. 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, which consequently imparts color to the treatment plant's effluent, thereby violating the District's SPDES discharge permit.

17. Unusual flow rate or concentration of wastes, except by Industrial Wastewater Permit.

18. 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.

19. 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.

20. Trucked or hauled pollutants, except at discharge points designated by the District in accordance with Section 704.

SECTION 602 - NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

1. Where a categorical pretreatment standard is expressed only in terms of the mass of pollutant per unit of production, the District may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard prior to treatment, the District shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

SECTION 603 - LOCAL POLLUTANT DISCHARGE LIMITATIONS

No person shall discharge wastewater to the sanitary sewer system when any of the pollutant concentrations exceed any of the limits below. These concentrations shall be applied to wastewater effluents at a point just prior to discharge into the District's sewer system. Samples shall be obtained as 24-hour composites, unless otherwise specified in a user's sewer use agreement.

Substance	Daily Maximum Effluent Concentration Limit (mg/l)
Arsenic	0.01
Barium	5.0
Cadmium	0.003
Chromium, total	0.3
Copper	0.6
Iron	145
Lead	0.02
Mercury	0.0005
Nickel	0.088
Selenium	0.075
Silver	0.6
Zinc	0.6
Cyanide, total	0.08
Cyanide, amenable	0.09
Phenol	10.0
Sulfides	10.0
Bis(2-ethylhexyl)phthalate	0.6
Methylene Chloride	0.9
Molybdenum	0.02

All permitted users shall receive a flow and daily maximum concentration limit.

SECTION 604 - DISTRICT'S RIGHT OF REVISION

The District reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

SECTION 605 - DILUTION

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

SECTION 606 - PERMISSION TO DISCHARGE UNPERMITTED WASTES

The admission into the public sewers of any waters or wastes, (a) having a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing more than 15 milligrams per liter of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in Section 601, or (e) having an average daily flow greater than two percent (2%) of the average daily wastewater flow of the District, or (f) being of such nature and delivered at such quantity and quality and at such a rate as to impair the hydraulic capacity, strength, or durability of the sewer structures, equipment, or treatment works, shall be subject to the review and approval of the District.

SECTION 607 - RIGHT OF DISTRICT TO REJECT WASTES

Where, in the opinion of the District, the water or waste admitted to the system may have a deleterious effect upon the sewage treatment plant, process equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the District may:

1. Reject the wastes.

2. Require pretreatment to an acceptable condition for discharge to the public sewers.

3. Require control over the quantities and rates of discharge and require payment to cover the added cost of handling and treating wastes, such charges being in addition to the regular charges, as determined from the largest ratio of strength of the waste in question to the strength of domestic sewage as given in Section 606 above.

ARTICLE VII

PRETREATMENT OF WASTEWATER

SECTION 701 - PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 601 of this ordinance within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this ordinance.

SECTION 702 - ADDITIONAL PRETREATMENT MEASURES

A. Whenever deemed necessary, the District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

B. The District may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the District, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the District 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 user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

E. When required by the District, the Owner of any property served by building sewer carrying industrial wastes shall install at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such

manhole shall be constructed in accordance with plans approved by the Engineer and shall be accessibly and safely located and shall be maintained by the Owner.

F. Where the person discharging into the sanitary sewers of the District procures any part or all of his water from sources other than one recognized by the District, the Sewer District Board or its duly authorized designee may require the person discharging said waste to install and maintain, at the sewer user's expense, water meters of a type approved by the Sewer District Board or its duly authorized designee for the purpose of determining the proper volume of flow to be charged. The Sewer District Board or its duly authorized designee has the right to read such private meters and all other water meters within the District.

SECTION 703 - ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two years, the District shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The District may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.

2. Description of stored chemicals.

3. Procedures for immediately notifying the District of any accidental or slug discharge, as required by Section 906 of this ordinance.

4. 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 runoff, 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 704 - HAULED WASTEWATER

A. Septic tank waste may be introduced into the POTW only at locations designated by the District, and at such times as are established by the District. Such waste shall not violate Article 6 of this ordinance or any other requirements established by the District. The District may require septic tank waste haulers to obtain wastewater discharge permits.

B. The District shall require haulers of industrial waste to obtain wastewater discharge permits. The District may require generators of hauled industrial waste to obtain wastewater discharge permits. The District also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the District. No load may be discharged without prior consent of the District. The District may collect samples of each hauled load to ensure compliance with applicable standards. The District may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

ARTICLE VIII

WASTEWATER DISCHARGE PERMIT REQUIREMENTS

SECTION 801 - WASTEWATER ANALYSIS

When requested by the District, a user must submit information on the nature and characteristics of its wastewater within 45 days of the request. The District is authorized to prepare a form for this purpose and may periodically require users to update this information.

SECTION 802 - WASTEWATER DISCHARGE PERMIT REQUIREMENT

All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit from the District within one (1) year after the effective date of this Ordinance.

The District may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

SECTION 803 - WASTEWATER DISCHARGE PERMIT APPLICATION FORM

Users required to obtain a wastewater discharge permit shall complete and file with the District, an application (Industrial Sewer User Survey) in the form prescribed by the District. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of this Ordinance, and proposed new users shall complete and file an application (survey) at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, all information requested, including the following:

1. All information required by Section 901(B) of this Local Law.

2. Description of activities, facilities, and plant processes on the premises including a list of all raw materials and chemicals used or stored at the facility which are, or could be, discharged to the POTW.

3. Each product produced by type, amount, process or processes, rate of production, and annual quantity.

4. Type and amount of raw materials processed (average and maximum per day).

5. Number and type of employees, hours of operation, and proposed or actual hours of operation.

6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

7. Any other information as may be deemed necessary by the District to evaluate the permit application.

8. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user in accordance with Section 103 and contain the following certification statement:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The District will evaluate the data furnished by the user and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

SECTION 804 - DISCHARGE PERMIT PROVISIONS

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

Wastewater discharge permits must contain the following:

1. A statement that indicates the duration of the wastewater discharge permit, which in no event shall exceed 5 years. A wastewater discharge permit may be issued for a period of less than 5 years at the discretion of the District. Each wastewater discharge permit will indicate a specific data upon which it will expire.

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 807 of this ordinance and

provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

3. Effluent limits based on applicable pretreatment standards.

4. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

6. Requirements to control Slug Discharges, if determined by the POTW to be necessary.

Wastewater discharge permits may contain the following:

1. The unit charge or schedule of user charges and fees for the management of wastewater discharged to the POTW.

2. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization.

3. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

4. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

5. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

6. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

8. Other conditions as deemed appropriate by the District to ensure compliance with this Local Law and State and Federal laws, rules, and regulations.

SECTION 805 - WASTEWATER DISCHARGE PERMIT APPEALS

The District shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the District to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If the District fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

SECTION 806 - WASTEWATER DISCHARGE PERMIT MODIFICATION

The District may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4. Information indicating that the permitted discharge poses a threat to the District's POTW, District personnel, or the receiving waters.

5. Violation of any terms or conditions of the wastewater discharge permit.

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

8. To correct typographical or other errors in the wastewater discharge permit.

9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

SECTION 807 - WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the District and the District approves the wastewater discharge permit transfer. The notice to the District must include a written certification by the new owner or operators which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

2. Identifies the specific date on which the transfer is to occur.

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

SECTION 808 - WASTEWATER DISCHARGE PERMIT REVOCATION

The District may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the District of significant changes to the wastewater prior to the changed discharge.

2. Failure to provide prior notification to the District of changed conditions pursuant to Section 905 of this ordinance.

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

4. Falsifying self-monitoring reports.

5. Tampering with monitoring equipment.

6. Refusing to allow the District timely access to the facility premises and records.

7. Failure to meet effluent limitations.

8. Failure to pay fines.

9. Failure to pay sewer charges.

10. Failure to meet compliance schedules.

11. Failure to complete a wastewater survey or the wastewater discharge permit application.

12. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

13 Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

SECTION 809 - WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 803 of this ordinance, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

SECTION 810 - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. If another municipality contributes wastewater to the POTW, the District shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by Paragraph A above, the District shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

2. An inventory of all users located within the contributing municipality that are discharging to the POTW.

3. Such other information as the District may deem necessary.

C. An intermunicipal agreement, as required by Paragraph A above, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use law which is at least as stringent as this law and local limits which are at least as stringent as those set out in Section 603 of this law. The requirement shall specify that such law and limits must be revised as necessary to reflect changes made to the District's law or local limits

2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.

3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection, and sampling, and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by the District; and which of these activities will be conducted jointly by the contributing municipality and the District.

4. A requirement for the contributing municipality to provide the District with access to all information that the contributing municipality obtains as part of its pretreatment activities.

5 Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.

6. Requirements for monitoring the contributing municipality's discharge.

7. A provision ensuring the District access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the District.

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

ARTICLE IX

REPORTING AND RECORDKEEPING REQUIREMENTS

SECTION 901 - BASELINE MONITORING REPORTS

A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which contains the information listed in Paragraph B below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standards, shall submit to the District a report which contains the

information listed in Paragraphs B(1) through B(5) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to the discharged.

B. Users described above shall submit the information set forth below:

1. Identifying Information - The name and address of the facility, including the name of the operator and owner.

2. Environmental Permits - A list of any environmental control permits held by or for the facility.

3. Description of Operations - A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. Flow Measurement - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

5. Measurement of Pollutants

   a. The categorical pretreatment standards applicable to each regulated process.

   b. The results of sampling and analysis identifying the nature, concentration, and/or mass loading, where required by the standard or by the District, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations or mass loadings, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 910 of this Local Law.

   c. Sampling must be performed in accordance with procedures set out in Section 911 of this Local Law.

   d. Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User must measure the flows and concentrations necessary to allow use of the combined wastestream formula of §403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR §403.6(e), this adjusted limit along with supporting data shall be submitted to the District.

6. Certification - A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. Compliance Schedule - If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or L&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 902 of this Local Law.

8. Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with Section 803 of this Local Law.

SECTION 902 - COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 901(B)(7) of this ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routing operation).

2. No increment referred to above shall exceed nine months.

3. The user shall submit a progress report to the District no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule.

4. In no event shall more than nine months elapse between such progress reports to the District.

SECTION 903 - REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of

wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the District a report containing the information described in Section 901(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 803 of this Local Law.

SECTION 904 - PERIODIC COMPLIANCE REPORTS

A. All significant industrial users shall, at a frequency determined by the District but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 803 of this Local Law.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the District, using the procedures prescribed in Section 911 of this Local Law, the results of this monitoring shall be included in the report.

D. Where the District has imposed mass limitations on Industrial Users subject to categorical pretreatment standards as provided for by 40 CFR §403.6(d), the report required by paragraph A of this section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the Industrial User.

E. For Industrial Users subject to equivalent mass or concentration limits established by the District for compliance with categorical pretreatment standards in accordance with the procedures in 40 CFR §403.6(c), the report required by paragraph A shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph A shall include the User's actual average production rate for the reporting period.

SECTION 905 - REPORTS OF CHANGED CONDITIONS

Each user must notify the District of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

1. The District may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 803 of this Local Law.

2. The District may issue a wastewater discharge permit under Section 803 of this Local Law or modify an existing wastewater discharge permit under Section 806 of this Local Law in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

SECTION 906 - REPORTS OF POTENTIAL PROBLEMS

A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the District of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall, unless waived by the District, submit a detailed written report describing the cause(s) 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, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Section 906(A) above. Employers shall insure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

SECTION 907 - REPORTS FROM UNPERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District as the District may require.

SECTION 908 - NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the District 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 District within 30 days after becoming aware of the violation. The user is not required to resample if the District monitors at the user's facility at least once a month, or if the District samples between the user's initial sampling and when the user receives the results of this sampling.

SECTION 909 - NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 905 of this Local Law. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 901, 903, and 904 of this Local Law.

B. Dischargers are exempt from the requirements of Section 909(A) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the user must notify the District, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to the discharge by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

SECTION 910 - ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

SECTION 911 - SAMPLE COLLECTION

A. Except as indicated in Section 911(B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

SECTION 912 - TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility services by the United States Postal Service, the date of receipt of the report shall govern.

SECTION 913 - RECORDKEEPING

Users subject to the reporting requirements of this Local Law shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical

techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the District, or where the user has been specifically notified of a longer retention period by the District.

SECTION 914 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, questionnaires, applications, agreements, and monitoring programs, and from inspections and sampling activities shall be available to the public or other governmental agency without restriction unless the User specifically requests confidentiality by designating any such information with an appropriate label ("Confidential"). The District reserves the right to request that an industry requesting confidentiality demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User under applicable State law.

When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon written request to governmental agencies for uses related to this Local Law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit, and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be made available to the public without restriction.

Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten-day notification is given to the User.

ARTICLE X

COMPLIANCE MONITORING

SECTION 1001 - RIGHT OF ENTRY: INSPECTION AND SAMPLING

The Sewer District Board, or its duly authorized representative, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the District ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the District will be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The District shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. The District may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated once a year, or more frequently if necessary, in accordance with manufacturer's recommendations to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or samples shall be promptly removed by the user at the written or verbal request of the District and shall not be replaced. The costs of clearing such access shall be born by the user.

5. Unreasonable delays in allowing the District access to the user's premises shall be a violation of this ordinance.

SECTION 1002 - SEARCH WARRANTS

If the District has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the District may seek issuance of a search warrant from the appropriate local Justice Court and/or Herkimer County Court.

SECTION 1003 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The District shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the wastewater measurements taken for the same pollutant

parameter taken during a six-month period exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, by any amount.

2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the wastewater measurements taken for the same pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).

3 Any other violation of a Pretreatment Standard or Requirement(daily maximum, long term average, instantaneous limit or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through, or endangered the health of POTW personnel or the general public.

4. Any discharge of pollutants that has cause imminent endangerment to the public or to the environment, or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.

5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

6. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance.

8. Any other violation(s), which may include a violation of best management practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE XI

PENALTIES AND ENFORCEMENT

SECTION 1101 - NOTIFICATION OF VIOLATION

When the District finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may serve upon that user a written Notice of Violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the

satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the District. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

SECTION 1102 - CONSENT ORDERS

The District may enter into Consent Orders, assurance of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 1104 and 1105 of this ordinance and shall be judicially enforceable.

SECTION 1103 - SHOW CAUSE HEARING

The District may order any User which has violated, or continues to violate, any provision of this sewer use law, including a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Sewer District Board and show cause why the proposed enforcement action 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 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 District Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The District Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the (assigned department) to:

1. Issue in the name of the 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. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District Board for action thereon. At any show cause hearing held pursuant to this Local Law, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Sewer Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as necessary and appropriate may be issued.

SECTION 1104 - COMPLIANCE ORDERS

When the District finds that a user has violated, or continues to violate, any provision of this sewer use law, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other against the user.

SECTION 1105 - CEASE AND DESIST ORDERS

When the District finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the District may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements.

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

SECTION 1106 - EMERGENCY SUSPENSIONS

The District may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or

welfare of persons. The District may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the District may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The District may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the District that the period of endangerment has passed, unless the termination proceedings in Section 1107 of this sewer use law are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the District prior to the date of any show cause or termination hearing under Section s-1103 or 1107 of this sewer use law.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

SECTION 1107 - TERMINATION OF DISCHARGE

In addition to the provisions in Section 508 of this sewer use law, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions.

2. Failure to accurately report the wastewater constituents and characteristics of its discharge.

3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.

4. Refusal of reasonable access to the user's premises for the purposes of inspection, monitoring, or sampling.

5. Violation of the pretreatment standards in Article VI of this sewer use law.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 1103 of this sewer use law why the proposed action should not taken. Exercise of this option by the District shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 1108 - INJUNCTIVE RELIEF

When the District finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the District may petition the Herkimer County Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

SECTION 1109 - CIVIL PENALTIES

A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the District for a maximum civil penalty of $1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

C. In determining the amount of civil 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 of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

SECTION 1110 - CRIMINAL PROSECUTION

A. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than one year, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000, or be subject to imprisonment for not more than

one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A 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 Local Law, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law, shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation per day or by imprisonment for not more than six (6) months, or by both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than $5,000 per violation, per day, or imprisonment for not more than three years, or both.

SECTION 1111 - REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The District may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District may take other action against any user when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any non-compliant user.

SECTION 1112 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

A. Upset

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Paragraph(3) below are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and the user can identify the cause(s) of the upset.

b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

c. The user has submitted the following information to the District within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days.

(1) A description of the indirect discharge and cause of noncompliance.

(2) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue.

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. Prohibited Discharge Standards - A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 601(A) of this ordinance or the specific prohibitions in 601(B) of this ordinance, excluding Sections 601(B) (4, 8, and 20), if it can prove that it did not know, or have reason to know, that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference.

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass

1. For the purposes of this section:

   a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs 3 and 4 of this section.

3. a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the District , if possible, at least 10 days before the date of the bypass.

   b. A user shall submit oral notice to the District of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of by bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. a. Bypass is prohibited, and the District may take an enforcement action against a user for a bypass, unless:

      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

      (3) The user submitted notices as required under Paragraph (3) of this section.

b. The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the three conditions listed in Section 1112(C)(4)(a).

SECTION 1113 - DISTRICT LEGAL NOMENCLATURE

The District shall sue, or be sued, in the name of the County of Herkimer.

ARTICLE XII

ASSESSMENTS AND CHARGES

SECTION 1201 - USE OF REVENUES

The source of a portion of the revenues for retiring debt service, capital expenditures, operation, and maintenance of the District's Sewage Works shall be a combination of Benefit Assessment and Sewer Service Charge assigned to Owners of property and users of the system within the District, established and assessed in accordance with Article 5-A of the County Law of the State of New York.

SECTION 1202 - ADOPTION OF FEES

The District may adopt charges and fees, subject to the approval of the County Legislature, which may include:

1. Fees for reimbursement for costs of setting up and operating the District's Pretreatment Program.
2. Fees for monitoring, inspections, and surveillance procedures.
3. Fees for reviewing accidental discharge procedures and construction.
4. Fees for negotiations.
5. Fees for filing appeals.
6. Fees for consistent removal by the District of pollutants otherwise subject to Federal Pretreatment Standards.
7. Other fees as the District may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Local Law and are separate from all other fees chargeable by the District.

SECTION 1203 - REVENUES FROM BENEFIT ASSESSMENT

A. Revenues to pay the annual installment of principal of, and interest on, obligations issued for the purpose of the Sewer District, together with approved capital expenditures, (known as the Capital Budget) shall be derived from a benefit assessment levied on all property within the District. The benefit assessment shall be determined by applying the latest adopted equalization rate for each town as established by the Herkimer County Legislature to the "adjusted assessed valuation" of each parcel to reach full value. The amount to pay the Capital Budget shall be divided by the total full value to obtain the tax rate per one dollar of full value. This full value rate will then be multiplied by the full value of each individual town to determine that town's share of the Capital Budget. The town's share will then be divided by that town's adjusted assessed valuation to determine the equalized tax rate per thousand for each individual parcel. This formula shall be followed for both users and non-users.

B. A percentage of the Capital Budget as determined by the Board each year shall be thus derived from users defined as properties connected to (or capable of being connected to within the appropriate definitions as set out in this law) and/or discharging wastewater into the District's sewage works; and the remaining portion shall be derived from non-users defined as properties not so connected (and not capable of being connected within the appropriate definitions as set out in this law) and not discharging wastewater into the District's sewage works. The proportionate share of the Capital Budget to be paid by users and non-users shall be determined by the Sewer District each year, subject to the review of the Legislature, as provided by the County Law.

C. The "adjusted assessed value" of each parcel shall be assessed value except that the District may adjust the assessed value to reflect as nearly as possible the benefit to be received by each parcel as follows:

1. The assessed value of a property both within and without the District shall be adjusted to include only the value within the Sewer District.

2. Up to fifty percent of the assessed value of parcels currently being used as schools and churches and other tax exempt properties may be waived.

3. The tax proportionate share of the Capital Budget to be paid by users and non-users, and the adjustments made to arrive at the "adjusted assessed valuation" shall be listed in schedules and such schedules shall be approved by the Herkimer County Sewer Board and submitted with its assessment roll to the Herkimer County Budget Officer.

SECTION 1204 - CALCULATING SEWER USER FEES

Revenues for defraying operation and maintenance costs shall be raised by assigning a Flat Sewer Service Charge and a Sewer Use Service Charge to all users of the District's Sewage Works as established by the District Board. Each user's normal charge shall include the Flat Sewer Service Charge and the Sewer Use Service Charge that shall be calculated by multiplying the volume of wastewater discharged to the Sewage Works by the User Rate established by the District Board. Volume of wastewater shall be determined in accordance with the following parameters:

1. For users connected to a public water supply with no other source of supply, metered water consumption shall be used to determine the volume.

2. For users not connected to a public water supply, volume shall be as estimated or measured by the Sewer District Board or its duly authorized designee.

3. For users with both a public and private water supply, metered water consumption shall be used to determine volume unless the actual volume, as measured by the Sewer District Board or its duly authorized designee, exceeds the metered volume, in which case the measured volume shall be used to calculate the charge.

SECTION 1206 - INDUSTRIAL USER SURCHARGE

Industrial and commercial users discharging wastewater to the District's Sewage Works, which exceed the strength of "normal sewage" as defined in Section 603, shall be assigned a surcharge in addition to their normal charge. The surcharge shall depend on the volume, strength, and character of the wastewater as determined from measurement and sampling by the Sewer District, and shall be calculated using the following formulas

when the concentrations of suspended solids (SS) exceed 350 mg/liter and/or biochemical oxygen demand (BOD) exceeds 300 mg/liter.

$S1 = NC \times (K1 \times (SS - 350/350))$ $S2 = NC \times (K2 \times (BOD - 300/300))$

where:

S1 = Monthly surcharge, in dollars, for suspended solids.

S2 = Monthly surcharge, in dollars, for biochemical oxygen demand.

NC = Normal Charge, in dollars, for the month when sampling done as calculated under Section 1003.

K1 = A factor representing the apportioned cost of treatment of suspended solids (SS), as determined by the District Board.

K2 = A factor representing the apportioned cost of treatment of biochemical oxygen demand (BOD), as determined by the District Board.

SS = Excessive suspended solids, in mg/liter, which shall be an average of at least four (4) separate samples taken during the calendar month.

BOD = Excessive biochemical oxygen demand, in mg/liter which shall be the average of at least four (4) separate samples taken during the calendar month.

SECTION 1207 - QUARTERLY ASSESSMENT FOR SEWER SERVICES

A Benefit Assessment shall be assessed each calendar year in accordance with the County Law of the State of New York. Sewer Service Charges shall be computed and billed quarterly according to the procedures adopted by the Herkimer County Sewer District and confirmed by the Herkimer County Legislature as required by law.

Sewer Service Charges may be paid without penalty on or before the thirtieth (30th) day of the month in which the bills are issued. Bills may be paid by mail or in person at such addresses or locations as are established by the District Board.

In the event any charge remains unpaid by the thirty-first (31st) day of October of any year, penalties shall be assessed and levied as provided for in Section 266 (3) of the County Law of the State of New York.

SECTION 1208 - MEASURING INDUSTRIAL FLOW

Measurement of volume, if necessary, and sampling of industrial wastes shall be accomplished once every three (3) months by the Sewer District Board or its duly authorized designee for a particular user, and the data obtained shall be utilized to calculate the user's normal charge and surcharge for said three-month period. If a particular user requests more frequent measurements and sampling, such additional measurement and sampling will be carried out by the Sewer District Board or its duly authorized designee and the cost thereof, as determined by the Herkimer County Sewer District Board shall be borne by said user.

SECTION 1209 - PUBLIC HEARINGS

A. Every public hearing required to be held under Section 266 of the County Law by the Herkimer County Sewer Board by any law, rule, regulation, or local law, shall be held in the following manner:

1. The date, time, place, and purpose for holding any such hearing shall be determined by the Sewer Board by the passage of an appropriate resolution.

2. Notice of said public hearing shall be published at least two times in the official newspapers of the County of Herkimer, the first publication to be not less than five days before the date set for the hearing. The notice of hearing shall include a brief description of the purpose of the hearing.

3. A record shall be kept of all those persons speaking at the hearing and/or filing written statements. No stenographic record need be kept but a tape recording shall be made of the meeting.

4. The official of the Herkimer County Sewer Board chairing said public hearing shall announce before the conclusion of the hearing the date when any decision based upon said public hearing will be made by the Sewer Board.

B. Appeals - Within five days after any decision made as a result of a public hearing by the Herkimer County Sewer Board any person with an interest therein may appeal in writing from the effect of said decision upon them to the Herkimer County Legislature. Said appeal shall be filed with the Clerk of the Legislature.

1. The appeal shall be heard by the Committee on County Planning and Development of the Herkimer County Legislature. Said Committee may decide the appeal upon the written appeal so submitted or it may in its discretion allow the appellant to appear before it, consult with the Herkimer County Sewer District or its officials, or take such other steps as it considers necessary to reach a decision.

2. The County Planning and Development Committee shall file a written report of its decision upon said appeal with the Clerk of the Herkimer County Legislature within two weeks after said appeal was first received by the Legislature, and a copy of said decision shall be mailed to the appellant by said Clerk.

ARTICLE XIII

LICENSE

SECTION 1301 - PLUMBING LICENSE NEEDED FOR SEWAGE SYSTEM WORK

Each and every person will be required to have a license issued or approved by the Herkimer County Sewer District or the Municipality before he will be permitted to do any plumbing or related work affecting the sewage collecting and treating system in the District or Municipality.

SECTION 1302 - LICENSE BOND REQUIRED

As part of the application for license to do work in the District, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of

New York, in a form provided by the District, or present proof of acceptance of a license bond by a Municipality within the District, in the amount of at least Ten Thousand Dollars to cover damage to District facilities or users' facilities.

ARTICLE XIV

VALIDITY

SECTION 1401 - CONFLICTION OF LAWS

All ordinances and local laws or parts of ordinances and local laws in conflict herewith are hereby repealed.

SECTION 1402 - SEVERABILITY

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 1403 - EFFECTIVE DATE

This sewer use law shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Dated: July 6, 2016.

INTRODUCTORY LOCAL LAW NO. 2 – 2016

LOCAL LAW NO. 3 – 2016

A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as amended by Chapter 125 of the Laws of 2016, there is hereby imposed in the County of Herkimer a tax of $0.25 for each $100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2016, and a tax of $0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than $100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2016 to December 1, 2018.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2016, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: September 14, 2016.