

Chapter 26

Sewers and Sewage Disposal

Article I

General Provisions

Sec. 26-1 Title

This Chapter shall be known and may be cited as the "Sewers and Sewage Disposal Law of the Village of Roslyn, New York".

Sec. 26-2 Definitions

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

- A. "Biochemical oxygen demand" ("BOD") means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.
- B. "Building drain" means 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 five (5) feet (1.5 meters) outside the inner face of the building wall.
- C. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- D. "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- E. "Easement" means an acquired legal right for the specific use of land owned by others.
- F. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- G. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- H. "Industrial user" means any industrial or commercial establishment with a classification as designated in the "Standard Industrial Classification Manual", in the most current edition, as published by the Executive Office of the President and who utilizes the services of the Village's sewer system.
- I. "Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- J. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- K. "New York State Department of Environmental Conservation" or "NYSDEC" means the NYS Department of Environmental Conservation or other duly authorized official of said Department.

- L. "pH" means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- M. "Pretreatment" means 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.
- N. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.
- O. "Public sewer" means a common sewer controlled by a governmental agency or public utility.
- P. "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 USC 1292). Includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- Q. "POTW Treatment plant" means that portion of the municipal system which is designed to provide treatment (including recycling and reclamation) wastes received by the municipal system.
- R. "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- S. "Sewage" is the spent water of a community. The preferred term is "wastewater", Par. 30.
- T. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
- U. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
- V. "Sewer" means a pipe or conduit that carries wastewater or drainage water.
- W. "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- X. "SPDES" denotes the State Pollution Discharge Elimination System established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharges to the waters of the State.
- Y. "Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- Z. "Superintendent" means the Superintendent of Public Works or the designated Enforcement Officer or his or her authorized deputy, agent, or representative.
- AA. "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

BB. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

CC. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

DD. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

Article II

Connection and Construction of Building Sewers

Part 1

Sec. 26-3 Use of public sewers required

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

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

C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, on-site sanitary waste system or other facility intended or used for the treatment and disposal of sewage except as specifically authorized by this Chapter.

D. The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village is hereby required at his or her expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this Article, within twenty (20) days of official notice to do so. All connections to the sewerage works of the POTW treatment plant service area, whether within or without the Village shall be made subject to such terms and conditions as the Superintendent may prescribe.

Sec. 26-4 Sewer connection fees

The fee for sewer connection shall be set from time to time by resolution of the Board of Trustees.

Sec. 26-5 Permit required

No person or agent thereof, shall make any connection with the Village sewer system or discharge any sewage or other drainage into such public sewer unless a permit therefor shall first have been issued by the Village Clerk/Treasurer.

Sec. 26-6 Classes of permits

A. There shall be two (2) classes of building sewer permits.

1. For residential and commercial service.

2. For service to establishments producing industrial wastes.

B. In either case, the owner or his or her agent shall make application on a special form furnished by the Superintendent of Buildings. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee established by resolution of the Board of Trustees for a residential or commercial building sewer permit and for an industrial building sewer permit respectively shall be paid to the Village at the time the application is filed.

Sec. 26-7 Surrender of permit; report to Clerk/Treasurer

The permit authorizing connection to the Village sewer system shall be surrendered by the applicant to the Superintendent before any work is performed, who shall return it to the Village Clerk/Treasurer at the completion of the work with his or her report endorsed thereon.

Sec. 26-8 Costs and expenses

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of the premises to be served. The owner shall indemnify the Village against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 26-9 Separate building sewers; exception

A separate and independent building sewer 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, the front building may be extended to the rear building and the whole considered as one building sewer, but the Village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Sec. 26-10 Use of existing building sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.

Sec. 26-11 Installation standards generally

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specification of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Part 2

Sec. 26-12 Standards for connection to public sewer

A. Applicable rules and regulations

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved

by the Superintendent before installation.

B. Superintendent to inspect connection

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

C. Guarding of excavations: restoration

All excavations for building sewer installation 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 Village. All applicable street opening permits shall be obtained prior to the commencement of work

Sec. 26-13 Required elevation of building sewer

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 26-14 Drainage connections to sanitary sewers prohibited

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

Part 3

Sec. 26-15 Industrial users

A permit issued pursuant to Section 26-6(A)(2) shall be subject to the following conditions:

A. Permit applications

A permit application for industrial users shall provide the following information:

1. Anticipated volume computed on a daily, weekly and monthly basis; and, if seasonal or otherwise irregular, the anticipated peak periods;
2. Constituents;
3. Characteristics of wastewater;
4. Flow rates;
5. Each product produced by type;
6. Amount and rate of production; and

7. Description of activities, facilities and plant processes on the premises including all materials processed and types of materials which are or could be discharged.

B. Terms and conditions

1. Any permit issued under this Section shall contain such limits and restrictions on volume, constituents, characteristics of wastewater and flow rates as may be determined by the Superintendent as reasonably necessary to equitably allocate the capacity of the POTW and to safeguard the public health, safety and welfare; and such other requirements as may be determined by the Superintendent pursuant to the provisions of this Chapter.

2. Permits shall contain specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.

C. Modifications by Village

1. The permit terms and conditions shall be subject to modification and change by the Superintendent. Except in case of emergency, the Superintendent shall notify the permit holder at least thirty (30) days in advance in writing served either personally or by certified mail, return receipt requested, at the permit holder's place of business within the Village. Such notice shall specify the proposed changes or modifications, the reasons therefor, and the proposed effective date; a statement that the permit holder may submit in writing any objections, counter-proposals or justification for continuation of any or all other terms or conditions of the permit; and also the right to request a hearing before the Superintendent, if demanded within the 30 day period, and to be represented by counsel and to present proof and rebut any evidence produced at the hearing.

2. Compliance with any final order of the Superintendent under this Subdivision shall not be required sooner than thirty (30) days after service upon the permit holder, as above provided, except in case of emergency.

D. Modifications at request of permit holder

An industrial user shall apply for a permit modification if production or processes are changed so that wastewater characteristics or flow are altered.

E. Assignment or transfer of permit

A permit issued pursuant to this Section shall not be assigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.

F. Maximum time period

A permit issued pursuant to this Section shall be for a period not to exceed four (4) years; provided, however, that a permit may be extended for additional periods not to exceed four (4) years each upon payment of the required fee and submission of a new application as provided in Subdivision A of this Section. Such application shall be submitted within six (6) months and not less than one month prior to expiration of a permit.

G. Revocation of permit

A permit may be revoked by the Superintendent for any of the following conditions:

1. Any false information submitted in the permit application;
2. Wilfully exceeding the limits and restrictions as to volume, constituents, characteristics of wastewater and flow rates

as specified in the permit;

3. Wilfully failing to maintain monitoring programs as required by the Superintendent;
4. Failure to take corrective action as specified by the Superintendent within the time specified;
5. Failure to pay any charges, fees or sewer rents within three (3) months after falling due.

H. Enforcement

Conditions of wastewater discharge permits shall be uniformly enforced by the Village in accordance with this Chapter and applicable State and Federal regulations. Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges and fees established by the Village and applicable State and Federal regulations.

Part 4

Sec. 26-16 Unsatisfactory work

If the work performed in connecting to the Village sewer system is not satisfactory, the property owner shall be called upon to make the necessary alterations in accordance with this Chapter.

Sec. 26-17 Treatment of systems used prior to connection to sewer

system; connection at owner's expense

The owner of premises being connected to the sewer system must have the on-site sanitary waste system, septic tank, privy or other such sewage disposal apparatus formerly used emptied, cleaned, disinfected and filled with fresh earth, and have the sewer connection made in the manner prescribed in this Chapter at the expense of the property owner.

Sec. 26-18 Notice for inspection; supervision connection

A permittee under this Article shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under supervision of the Superintendent or his representative.

Article III

Regulation of Public Sewers

Sec. 26-19 Manner of disposal of unpolluted water

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling waters, or unpolluted industrial process waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling waters or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer or natural outlet. Cooling water dischargers to waters of the State must apply for SPDES permits and are subject to State and Federal regulations.

Sec. 26-20 Materials not to be discharged into public sewers

A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.
2. Any waters or wastes containing toxic or poisonous solids liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the POTW treatment plant.
3. Any waters or wastes having a pH lower than five and five tenths (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
4. Solid or viscous substances in such quantities or of such size as to be capable of causing an interference or obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper or plastic dishes, cups, milk containers, either whole or ground by garbage grinders.
5. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade) or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the sewage at the sewage treatment plant exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees centigrade).
6. Materials which exert or cause:
 - a. Unusual biochemical oxygen demand (BOD) or chlorine requirements in such quantities as to constitute a significant load on the POTW treatment plant;
 - b. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this Chapter.

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

1. Any waters or wastes containing floatable oil or wax, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees centigrade).
2. Any garbage, shredded or otherwise.
3. Any waters or wastes containing acid, pickling wastes or concentrated plating solutions.
4. Any waters or wastes containing iron, chromium, lead, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials as shown in Appendix A or as set in a categorical pretreatment standard.
5. Any waters or wastes containing taste or odor-producing substances in such concentrations exceeding limits which

may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the County, State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable County, State or Federal regulations.
7. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).
8. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids such as, but not limited to, diatomaceous earth, fuller's earth, line slurries and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, and would pass-through to such degree that the POTW treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10. Any substances creating conditions which violate any statute, rule or regulation of any public agency, including the EPA.

Sec. 26-21 Authority of Superintendent over certain wastes

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 26-20 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent 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/or
4. Require payment to cover any added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 26-27.

B. When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

Sec. 26-22 Floatable oil and sand interceptors, including grease traps

Floatable oil and sand interceptors, including grease traps, shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, as specified in Section 26-20(B)(1), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors and grease traps shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors and grease traps, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are

subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Sec. 26-23 Facilities to be maintained by owner

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

Sec. 26-24 Access structure

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

Sec. 26-25 Information to be furnished by user

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Chapter. These requirements may include:

1. Wastewater discharge peak rate and volume over a specified time period.
2. Chemical analysis of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 26-26 Measurements, tests, analyses

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Sec. 26-27 Special agreements permitted

Special agreements and arrangements between the Village and any persons or agencies may be established when in the opinion of the Village, unusual or extraordinary circumstances compel special terms and conditions. Acceptance of such waste shall not cause the POTW to violate its SPDES permit or the receiving water quality standards or any pretreatment regulations promulgated by USEPA or NYSDEC.

Sec. 26-28 Specific requirements

- A. An industrial user shall notify the Village immediately upon accidentally discharging wastes in violation of this Chapter. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the Village under applicable County, State and Federal regulations.
- B. A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Chapter. Also copies of this Chapter are to be made available to user's employees.
- C. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Chapter.
- D. When pretreatment regulations are adopted by USEPA for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to County, Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the Village.
- E. The Village reserves the right to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Chapter.
- F. No user shall ever increase the use or process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the Village, County or State unless authorized by County, State or Federal regulation.

Article IV

On-site sanitary waste systems

Sec. 26-29 On-site sanitary waste systems

The regulations established in this Article shall apply where connection cannot be made to the Village sewer system and where the construction and use of on-site sanitary waste system is permitted by the Board of Trustees.

- A. Prior to the construction and use of a on-site sanitary waste system a written permit must be obtained from the Board of Trustees.
- B. The fee for a on-site sanitary waste system permit (if permitted) shall be set from time to time by resolution of Board of Trustees.
- C. Application for the permit required by subsection A shall be made in the same manner set forth in Section 26-6(B).
- D. The Board of Trustees may at any time revoke a permit granted hereunder upon recommendation of the Superintendent or the County Health Department by reason of an unsanitary or unhealthful condition existing or created by the use of such on-site sanitary waste system or by reason of the construction of available or accessible Village sewer facilities capable of serving the property in question.
- E. On-site sanitary waste systems shall be constructed in accordance with the rules and regulations of all agencies having jurisdiction thereof.

F. All on-site sanitary waste systems shall be pumped out at a cost to the property owner and on a frequency basis as shall be established from time to time by resolution of the Board of Trustees. The cost of pump-outs other than as established and approved by said resolution shall be the responsibility of the property owner. All pumped matter shall be removed, transported and disposed of by persons duly licensed by agencies having jurisdiction thereof.

Article V

Protection from Damage

Sec. 26-30 Damaging or tampering with sewer

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater facilities. Any person violating this provision shall be subject to immediate arrest and prosecution.

Article VI

Powers and Authority of Inspectors

Sec. 26-31 Right to make inspections

Persons or occupants of premises where wastewater is produced or discharged shall allow the Village, USEPA, NYSDEC or their representatives ready access at all times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Village shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Village may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by the Village's wastewater discharge laws and sample any effluents which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village will be permitted to enter without delay.

Sec. 26-32 Information that may be obtained; withholding of confidential information

The Superintendent, or any other duly authorized employee, is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 26-33 Observation of safety rules; save harmless clause, exception

While performing the necessary work on private properties referred to in Section 26-31, the Superintendent, or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 23-24.

Sec. 26-34 Entry on easements

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the

wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 26-35 Cure by Village

Whenever a condition exists in and upon any property in the Village which violates any of the provision of this Chapter in such manner as to cause harm to the health and safety of the community and the owner or occupant thereof does not cure such condition within a reasonable time as determined by the Superintendent, the Superintendent may cause such conditions to be cured and the cost thereof shall be the responsibility of the property owner. If such cost is not paid when due, it shall be added to the tax bill for such property.

Sec. 26-36 Sanitary Sewer Reserve Fund

A. Findings; Legislative Intent

The Board of Trustees of the Incorporated Village of Roslyn hereby finds that the capacity of the to safely dispose of sewerage generated within the Village is not in line with the projected population growth and development of the Village. The Village will, in the near future, generate more sanitary waste than it has the capacity to properly dispose of. It is currently estimated that capital improvements to existing facilities and possibly new facilities will be required to meet the Village's domestic demands.

Further, in order to ensure that essential Village sanitary sewer service is available to meet the needs for all future development, capital improvements to the Village's sanitary sewer system and facility will be necessary.

Pursuant to § 7-725-a of the Village Law, the Board of Trustees is empowered to require conditions for site plan approval. Pursuant to § 7-728 of the Village Law, the Board of Trustees has empowered the Village Planning Board to review subdivision plats and impose conditions for subdivision approval. In addition, the Board of Trustees is empowered to provide for the general welfare of the Village. This authority is consistent with the Board of Trustees' broad powers as set forth in Municipal Home Rule Law § 10(1)(ii)(e)(3).

It is therefore the intent of the Board of Trustees, and purpose of this Local Law, to extend the powers bestowed upon the Board of Trustees by §§ 7-725-a and 7-728 of the Village Law to authorize the Board of Trustees to collect a capital improvement fee as a condition of approval for all site plans, single lot developments, and subdivisions, to establish such a fee, and to impose such a fee to offset the cost to the Village associated with providing the necessary sanitary sewer service to all new development.

- B. Extension and Supersession of §§ 7-725-a and 7-728 of the New York State Village Law

Pursuant to the authority set forth in Municipal Home Rule Law § 10(1)(ii)(e)(3), and in accordance with its powers as set forth in § 10 of the Statute of Local Governments, the Board of Trustees hereby extends and supersedes §§ 7-725-a and 7-728 of the Village Law as they apply to the Village as follows:

The Board of Trustees is authorized to assess, impose and collect a fee for all new development within its territorial jurisdiction as a condition of its approval of site plans, and single lot developments, and as a condition of its authorization of the Planning Board to review subdivisions, specifically for the purpose of funding capital improvements to the Village sanitary sewer system as made necessary by the impact of new development in the Village.

C. Fee Calculation and Collection

All applicants to the Board for approval of site plans, all applicants for single lot developments, and all applicants for subdivisions, shall deposit a sum as shall be set from time to time by the Board of Trustees for each two thousand five hundred (2500) square feet, or fraction thereof, of development (the "Fee"). The Fee is based upon anticipated increases

in usage of the sanitary sewer system.

With respect to existing lots, the Fee shall be collected by the Village Clerk/Treasurer at the time of site plan approval or upon the issuance of a building permit, if no site plan approval is required. With respect to a subdivision creating new lots, the Fee shall be collected by the Village Clerk/Treasurer prior to the signing of the final subdivision map.

With respect to multi-housing developments, the Fee shall be collected for each housing unit added to the sanitary sewer system. With respect to commercial development, the Fee shall be collected for each rentable or separately usable unit.

D. Applicability of Fee

The Fee shall apply to all subdivision applications and to all site plan applications, and to all building permit applications for a single lot development. The Fee shall also apply to the construction of a principal dwelling on a lot in which no subdivision is necessary and no Fee has been paid under this section.

E. Review of Fee

The Fee created herein shall be reviewed by the Board periodically and the Board of Trustees may change the Fee at any time to reflect anticipated capital needs.

F. Capital Improvement Reserve Fund

All Fees collected pursuant to this Local Law shall be deposited into a Capital Improvement Reserve Fund to be established pursuant to General Municipal Law § 6-c.

All Fees will be held in trust in this reserve fund and shall only be expended for capital improvements to the Village's sanitary sewer system.

Article VII

Penalties

Sec. 26-37 Penalties for violations

The violation of any provision of this Chapter shall be punishable as set forth in Section 1-10 of this Code.

Municipal Code

Appendix A

Toxic Substances

The following list establishes limits for various toxic substances to regulate industrial discharges at the point of entry into the municipal collection system.

Parameter Effluent Concentration Limits (mg/l)

30 Day Average 24 Hour Average

Cadmium 0.4 0.8

Hex. Chromium 0.2 0.4

Total Chromium 4.0 8.0

Copper 0.8 1.6

Lead 0.2 0.4

Mercury 0.2 0.4

Nickel 4.0 8.0

Zinc 1.2 2.4

Arsenic 0.2 0.4

Available Chlorine 50.0 50.0

Cyanide-free 0.4 0.8

Cyanide-complex 1.6 3.2

Selenium 0.2 0.4

Sulfide 6.0 12.0

Barium 4.0 8.0

Manganese 4.0 8.0

Gold 0.2 0.4

Silver 0.2 0.4

Fluorides-

To Fresh Water 4.0* 8.0*

To Saline Water 36.0 72.0

Phenol 4.0 8.0

*May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.