

LOCAL LAW NO. 1 OF 2006**A LOCAL LAW AUTHORIZING SUBMISSION OF AN APPLICATION FOR REDESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF ORANGE AS AN EMPIRE ZONE.**

WHEREAS, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998;

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into three "distinct and contiguous" areas;

WHEREAS, pursuant to Sections 961 and 957(d) of the General Municipal Law, as amended, the County of Orange hereby authorizes the County Executive to prepare and submit an application for redesignation of the existing Empire Zone into three "distinct and contiguous areas," including a description of the areas identified for such redesignation, to the New York State Commissioner of Economic Development for ultimate approval by the Empire Zones Designation Board; and

WHEREAS, such designation could greatly benefit the City of Newburgh, the Town of Newburgh, the Town of New Windsor and the County of Orange as a whole in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area, and new and expanded businesses would generate new jobs for County residents; and

WHEREAS, a draft of the amended Zone Development Plan is hereby authorized to be submitted along with the redesignation application to the New York State Commissioner of Economic Development;

NOW, THEREFORE,

Be it Enacted, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The Legislature authorizes the submission of an application for redesignation of certain areas within the County of Orange as an Empire Zone; provided, however, that such authorization and empowerment shall be conditioned upon the concurrence, through properly adopted resolution(s) with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. The Newburgh-Stewart Empire Zone shall continue to have a Certification Officer as required by law. The Certification Officer shall be appointed and have all of the powers and duties as imposed upon such officer by all applicable laws, regulations and rules.

Section 4. The Newburgh-Stewart Empire Zone shall continue to have an Administrative Board as required by law. The Administrative Board shall be appointed and have all the powers and duties as imposed upon such Board by all applicable laws, regulations and rules.

Section 5. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 1 of 2006 was passed December 16, 2005 by the following roll call vote:

Ayes: 16
Noes: 5
Absent: 0

Approved by the County Executive: January 10, 2006

Effective: January 23, 2006

LOCAL LAW NO. 2 OF 2006

A LOCAL LAW TO INCLUDE THE S. A. BAXTER, LLC MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.

WHEREAS, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998; and

WHEREAS, by Local Law No. 1 of 2006, the County of Orange authorized the submission of an application to amend the boundaries of the Newburgh-Stewart Empire

Zone, and such application is pending approval by the New York State Commissioner of Economic Development; and

WHEREAS, S.A. Baxter, LLC is proposing the creation of a manufacturing facility on 37 Elkay Drive in the Town of Chester; and

WHEREAS, this facility will add approximately 66 jobs and will result in an investment of over \$1.3 million by S.A. Baxter, LLC for building renovations and equipment that support its on-site manufacturing facility; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the Newburgh-Stewart Empire Zone has determined that the proposed project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law.

NOW, THEREFORE,

Be it Enacted, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The Legislature approves the allocation of zone lands for the proposed creation of the S.A. Baxter, LLC manufacturing facility as a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as Section 6, Block 1, Lot 65 in the Town of Chester.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 2 of 2006 was passed March 3, 2006 by the following roll call vote:

Ayes: 21
Noes: 0
Absent: 0

Approved by the County Executive: March 27, 2006

Effective: March 31, 2006

LOCAL LAW NO. 3 OF 2006

A LOCAL LAW TO INCLUDE THE NEXANS ENERGY USA MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.

WHEREAS, by Local Law No. 6 of 1997, the County of Orange authorized the submission of an application for designation of the Empire Zone, pursuant to Section 961 of the Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board in June of 1998; and

WHEREAS, by Local Law No. 1 of 2006, the County of Orange authorized the submission of an application to amend the boundaries of the Newburgh-Stewart Empire Zone, and such application is pending approval by the New York State Commissioner of Economic Development; and

WHEREAS, Nexans Energy USA is proposing an expansion and renovation of its manufacturing facility at 25 Oakland Avenue in the Village of Chester; and

WHEREAS, this expansion will add approximately 65 new jobs, retain approximately 165 existing jobs and will result in an investment by Nexans Energy USA of \$12.9 million in the purchase of new equipment to support its manufacturing operations; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the Newburgh-Stewart Empire Zone has determined that the proposed project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law.

THEREFORE, be it hereby

Be it Enacted, by the Orange County Legislature of the County of Orange, State of New York as follows:

Section 1. The Legislature approves the allocation of zone lands for the proposed expansion of the Nexans Energy USA facility for a regionally significant project as

determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as Section 104, Block 1, Lots 6 and 7 in the Village of Chester.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 3 of 2006 was passed March 3, 2006 by the following roll call vote:

Ayes: 21
Noes: 0
Absent: 0

Approved by the County Executive: March 27, 2006

Effective: March 31, 2006

LOCAL LAW NO. 4 OF 2006

A LOCAL LAW TO INCLUDE THE DURASOL SYSTEMS, INC. MANUFACTURING FACILITY WITHIN THE BOUNDARIES OF THE NEWBURGH-STEWART EMPIRE ZONE, TO DESIGNATE SUCH FACILITY AS A REGIONALLY SIGNIFICANT PROJECT, AND TO REQUEST APPROVAL BY THE NEW YORK STATE COMMISSIONER OF ECONOMIC DEVELOPMENT FOR SUCH DESIGNATION.

Be it Enacted, by the Orange County Legislature of the County of Orange, State of New York as follows:

Section 1. The Legislature approves the allocation of zone lands for the proposed expansion of the Durasol Systems Inc. manufacturing facility as a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property identified as Section 40, Block 1, Lot 56.22 in the Town of Walkill.

Section 2. The Legislature requests that the New York State Commissioner of Economic Development approve this addition to the Newburgh-Stewart Empire Zone as described in Section 1.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law No. 4 of 2006 was passed March 3, 2006 by the following roll call vote:

Ayes: 21
Noes: 0
Absent: 0

Approved by the County Executive: March 27, 2006

Effective: March 31, 2006

LOCAL LAW NO. 5 OF 2006

LOCAL LAW GRANTING POWERS TO THE ORANGE COUNTY COMMISSION ON HUMAN RIGHTS TO RECEIVE, ACCEPT AND USE GRANTS, GIFTS, DONATIONS, BEQUESTS AND OTHER PAYMENTS, GOODS AND SERVICES.

Be it Enacted, by the County Legislature of the County of Orange, State of New York as follows:

Section 1. Purpose.

The purpose of this Local Law is to provide the Orange County Commission on Human Rights the means to further support the charitable functions of the Commission by empowering them to receive, accept and use grants, gifts, donations, bequests and other payments, goods and services as authorized by General Municipal Law section 239-q(2)(b), to enhance the Commission's ability to promote and provide services to the residents of Orange County concerning issues in the area of Human Rights.

Section 2. Other Powers Of The Orange County Commission On Human Rights.

Pursuant to the general duties and obligations of the Orange County Commission on Human Rights as set forth under sections 239-q(1) and 239-r of the General Municipal Law and sections 4 and 5 of Orange County Resolution No. 129 of 1970, in addition to all other powers, the Orange County Commission on Human Rights shall have the power to receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, either solicited or unsolicited, notwithstanding any other provision of law.

Section 3. Effective Date.

This Local Law shall take effect in the manner provided in the Municipal Home Rule Law and upon the completion of the requisite filings and procedures.

Local Law No. 5 was passed March 3, 2006 by the following roll call vote:

Ayes: 19
Noes: 1
Absent: 0
Excused: 1

Approved the County Executive: March 27, 2006

Effective: March 31, 2006

LOCAL LAW NO. 6 OF 2006

A LOCAL LAW ESTABLISHING A RIGHT-TO-FARM POLICY IN ORANGE COUNTY, NEW YORK.

Be it Enacted, by the Legislature of the County of Orange, State of New York as follows:

Section 1. Legislative Intent And Purpose.

It is the declared policy of the County of Orange to conserve, protect and encourage the use of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits. It is the purpose of this policy to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance. It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted with sound agricultural practices is more than offset by the benefits from farming to the County economy by the production of local food and products, and to neighborhood and community and to society, in general, by the preservation of open space by maintaining the inherent beauty of the countryside and by the preservation and continuance of farming operations in Orange County.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITIES -- Those activities involved in the production of crops, livestock, and livestock products by farm operations, all as defined in Section 301 of

Article 25-AA of the New York Agriculture and Markets Law of New York, including but not limited to the following:

- a. Field crops including corn, wheat, oats, rye, barley, hay, potatoes, dry beans and sod;
- b. Vegetables including tomatoes, snap beans, cabbage, carrots, beets, onions and corn;
- c. Fruits including apples, berries, cherries, peaches and pumpkins;
- d. Horticultural ornamental specialties including nursery stock, shrubs, ornamental trees, flowers and vegetables;
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites such as ostriches, emus, rheas, kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs;
- f. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump;
- g. Aquaculture products, including fish, fish products, water plants and shellfish;
- h. Forestry products such as short rotation woody crops used for bio-energy and maple syrup products.

Further, agricultural activities shall include an activity engaged in, by, or on behalf of a farmer in connection with and furtherance of the business of agriculture or farming and shall include without limitation, the collection, transportation, distribution, composting, cooling, drying and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of legally permitted fertilizers and limes, insecticides, pesticides, herbicides, and fungicides; construction of farm structures and facilities, including farm wineries and other on-farm food processing as permitted by local and State building code regulation; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to agricultural practices.

DISPUTE RESOLUTION CENTER -- shall mean the Dispute Resolution Center presently located at 14 Scotchtown Avenue, Goshen, New York serving Orange, Putnam, Sullivan and Ulster Counties.

FARMLAND -- Land within an agricultural district created pursuant to Section 303 or land used in agricultural production subject to an agricultural assessment pursuant to Section 306 of Article 25-AA of the New York Agriculture and Markets Law, used primarily for bona fide agricultural production, for commercial purposes, of all those items and products defined in the New York Agriculture and Markets Law, Section 301.

RIGHT TO FARM -- The right to farm shall apply to farmers, as well as those employed or otherwise authorized to act on behalf of farmers and shall also include, subject to the provisions of Section 3 of this Local Law, the use of large irrigation pumps and equipment, aerial and ground seeding and spraying, cooling and drying, transporting large, slow moving equipment over roads within the County, and the employment of farm laborers, all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds.

This "right to farm" shall also include, subject to the provisions of Section 3 of this Local Law, the right to use land for grazing by animals, subject to the restrictions for intensive fowl or livestock farms. The foregoing uses and activities included in the "right to farm," when reasonable and necessary for the particular farming, livestock or fowl production and when conducted in accordance with sound agricultural practices, as determined in accordance with Section 3 of this Local Law, may occur on holidays, Sundays and weekdays, any time of night or day, and the noise, odors, dust and fumes that are caused by them are also specifically incorporated in the right to farm. In addition to the factors set forth in Section 3 of this Local Law for determining whether an agricultural practice is sound, and in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to traditional customs and procedures in the agricultural industry, advances resulting from increased knowledge or improved technologies and whether or not the practice is legal and not causing off-site property damage or bodily harm.

Section 3. Restrictions On Private Nuisance Actions Against Agricultural Operations.

Notwithstanding any other provision of this Local Law, agricultural activities conducted on farmland, if consistent with sound agricultural practices as may be determined by the New York State Commissioner of Agriculture and Markets and with Federal, State, and local laws, regulations or ordinances, are deemed to be reasonable and shall not constitute a nuisance.

Section 4. Notice To Prospective Neighbors/Notice Of Farm Use.

For the purpose of giving due notice of agricultural activities to proposed new residential areas adjacent to unimproved land being farmed or suitable, this Local Law encourages and supports a local Planning Board requirement that any applicant for an adjacent major or minor subdivision, as a condition of approval of such application, include a provision in each and every deed conveying all or any portion of the lands thereby subdivided, as well as on filed final subdivision maps, the following record notice to and waiver by grantees of such present or future proximate farming uses, which provision shall be made to run with the land:

"The grantee hereby acknowledges notice that agricultural activities exist throughout the town and that there are presently or may in the future be farm uses adjacent or in close proximity to the within-described premises. The grantee acknowledges that farmers have the right to undertake sound agricultural activities as defined by the State of New York which may generate dust, odor, fumes, noise and vibrations associated with agricultural practices, and that these activities are permitted under the town, or, in the absence of a local right-to-farm law, Orange County's Right-to-Farm Law, and, by acceptance of this conveyance, the grantee does hereby waive objection to such activities."

Section 5. Real Property Disclosure.

In accordance with New York State Real Property Law, Section 333-c and Real Property Tax Law, Section 574 and Agriculture and Markets Law Section 310, prior to the sale, purchase, or exchange of any real property located partially or wholly within an Orange County Agricultural District established pursuant to the provisions of New York State Agriculture and Markets Law Article 25-AA, the prospective grantor shall deliver to the prospective grantee a notice which states the following:

"It is the policy of New York State and Orange County to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors."

Failure of the grantor to provide such information to the grantee shall not prevent the recording officer from filing such deed.

Section 6. Resolution Of Disputes.

Should any controversy arise regarding any agricultural operation or practice, the aggrieved parties may submit the controversy to the Dispute Resolution Center ("Dispute Resolution Center") for mediation under the New York State Agricultural Mediation Program.

Section 7. Certain Actions Not Affected.

The provisions of this Local Law shall not defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by them on account of any pollution of, or change in condition of, the waters of any stream or on account of any overflow of lands of any such person, firm or corporation.

Section 8. Severability Clause.

If any part of this Local Law is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law.

Section 9. Effective Date.

This Local Law shall become effective on January 1, 2007.

Local Law No. 6 of 2006 was passed on July 6, 2006 by the following roll call vote:

Ayes: 19
Noes: 0
Absent: 2

Approved by the County Executive: July 27, 2006

Effective: January 1, 2007

LOCAL LAW NO. 7 OF 2006

A LOCAL LAW ESTABLISHING RULES, REGULATIONS AND REQUIREMENTS IN RELATION TO THE USE OF PUBLIC AND PRIVATE SEWERS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF SEWAGE, INDUSTRIAL WASTEWATER OR OTHER WASTES INTO THE SEWAGE SYSTEM OF ANY ORANGE COUNTY SEWER DISTRICT AND ALL PUBLIC SEWERS TRIBUTARY TO THE HARRIMAN SEWAGE TREATMENT PLANT, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Be it Enacted by the County Legislature of the County of Orange, State of New York, as follows:

ORANGE COUNTY SEWER LAW

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ARTICLE I **SHORT TITLE AND STATEMENT OF PURPOSE**

Section 1.1 Short Title

This local law shall be known as "Orange County Sewer Use Law of 2006". This law will supersede Local Law 17 of 1974, and any amendments thereof.

Section 1.2 General Purpose and Policy

This Sewer Use Law establishes rules and regulations governing the discharge of sewage, industrial wastewater, and other waste into the Orange County sewer system and discharges to the Harriman Sewage Treatment Plant, providing for the establishment and collection of charges for use of such sewer system and sewers and prescribing penalties for the violation of such rules and regulations.

The general purpose of this Sewer Use Law is to provide for efficient, economic, environmentally sound, and legal operation of the Orange County sewer system and the Harriman Sewage Treatment Plant. This Sewer Use Law sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment systems for the Orange County Sewer District No. 1 and other municipal systems and sewer districts, and enables Orange County to comply with applicable State and Federal laws, including the Clean Water Act, ("The Act") and the General Pretreatment Regulations (40 CFR Part 4 03).

This Sewer Use Law shall apply to all users of the Orange County sewer system and/or the Harriman Sewage Treatment Plant. It 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 programs established herein.

Section 1.3 Purposes

The purposes of the rules, regulations and requirements of this Sewer Use Law are specifically stated, as follows:

(1) To prevent the introduction of substances into the Publicly Owned Treatment Works (POTW) that will:

- (a) Interfere with or inhibit the operation of the Harriman Sewage Treatment Plant or other POTW in any way.
 - (b) Pass through the Harriman Sewage Treatment Plant or other POTW to the receiving waters and cause contravention of standards for those waters or cause violation of the SPDES permit or otherwise be incompatible with the POTW.
 - (c) Increase the cost or reduce the disposal options of POTW sludge and/or residuals.
 - (d) Endanger the general public or County personnel who may be affected by wastewater and sludge in the course of their employment.
 - (e) Cause air pollution, or groundwater pollution, directly or indirectly.
 - (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into any Orange County sewer system, and all public and private sewers and lines tributary thereto.
 - (3) To prohibit the contribution of sewage, industrial wastewater or other wastes which may cause maintenance difficulties in the interceptor sewers, trunk sewers, force mains, pumping stations, sewage regulators, sewage treatment plants and other structures and appurtenances of the Orange County sewer system, and public and private sewer tributary to the Harriman Sewage Treatment Plant.
 - (4) To prevent new sources of infiltration and inflow and, as much as practicable, and reduce existing sources of infiltration and inflow.
 - (5) To require the pretreatment before introduction into the Orange County sewer system and public and private sewers tributary to the Harriman Sewage Treatment Plant, of such wastewater as may impair the strength and/or durability of the structure appurtenant to the system, by direct or indirect chemical action, or interfere with the normal treatment process.
 - (6) To assure that new sewers and connections are properly constructed.
 - (7) To provide for equitable distribution to all users of the sewer system and Harriman Sewage Treatment Plant of costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.
 - (8) To provide the authority and procedures for the Orange County to promulgate rules, to investigate and prepare findings of facts, to issue permits, to hold hearings, to make decisions, orders and opinions, and to give notice and make public all rules and decisions.
 - (a) To provide cooperation with the Orange County Department of Health, the New York State Department of Environmental Conservation, the New York State Department of Health, the United States Environmental Protection Agency, and other agencies which have requirements of jurisdiction for the protection of the physical, chemical, and bacteriological quality of water courses within or bounding Orange County.

Section 1.4 Administration

Except as otherwise provided herein, Orange County Division of Environmental Facilities and Services, a division of Orange County Department of Public Works shall administer, implement, and enforce the provisions of this law. Any powers granted to or duties imposed upon the Administrative Head may be delegated to Orange County personnel, including the Division of Environmental Facilities and Services or its representatives.

ARTICLE II
ABBREVIATIONS AND DEFINITIONS

Section 2.1 Abbreviations

The following abbreviations shall have the designated meanings:

ANSI	American National Standards Institute
ASTM	American Society for Testing and Materials
AWWA	American Water Works Association
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CPLR	Code of Public Law and Rules
COD	Chemical Oxygen Demand
GPD	Gallons per day
Mg/l	Milligrams per liter
NCPI	National Clay Pipe Institute
NPDES	National Pollutant Discharge Elimination System
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
OCDPW	Orange County Department of Public Works
OCEFS	Orange County Division of Environmental Facilities and Services
OCSD1	Orange County Sewer District No. 1
P	Total Phosphorus
PSI	Pounds per Square Inch
POTW	Publicly Owned Treatment Works
PPM	Parts per Million, weight basis
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SPDES	State Pollutant Discharge Elimination System
SWDA	Solid Waste Disposal Act, 42 W.S.C. 690 L, et seq.
UOD	Ultimate Oxygen Demand
USC	United States Code of Laws
USEPA	United States Environmental Protection Agency
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids

TRC	Technical Review Criteria
UOD	Ultimate Oxygen Demand

Section 2.2 Definitions

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

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

Act or "The Act" – The Federal Water Pollution Control Act, also known as the Clean Water Act 33 USC. 1251, et seq., as amended.

Administrative Head – Shall mean the Commissioner of Orange County Department of Public Works, or his duly authorized deputy, agent or representative.

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

Ammonia – The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as mg/l of nitrogen.

Applicant – That person who makes application for any permit. The applicant may be an owner, operator, new or old, or his agent.

Approval Authority – The USEPA, or the New York State Department of Environmental Conservation (NYSDEC), in the event the NYSDEC is delegated approval authority responsibility by the USEPA. The USEPA Administrator will be the Approval Authority until such time that the State of New York has an approved pretreatment program.

Approved Laboratory Procedure – The procedures defined as 'Standard Methods' in this article, or other procedures approved by Orange County's Administrative Head for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewater, and/or sludges. All laboratory analysis procedures must be performed by a laboratory certified by NYS for the procedure used to test for that pollutant. Laboratories which are approved Federally for analyzing that pollutant may also be used.

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

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

(1) A general partner or proprietor, if the user is a partnership or proprietorship, respectively;

(2) A principal executive officer of at least vice president, if the user is a corporation;

(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 wastewater originates.

BOD (Biochemical Oxygen Demand) – The results obtained using an approved laboratory procedure to determine the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit) expressed in parts per million (ppm) or milligrams per liter (mg/l).

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

Building Pipe – Shall mean that part of the lowest horizontal piping of a building sanitary drainage system which receives the discharge from sanitary drainage pipes inside the building and conveys such discharge to the building lateral sewer, ending a maximum of ten (10) feet outside the outer face of the building foundation wall.

Building Lateral Sewer – Shall mean that part of the horizontal piping of a sanitary drainage system which extends from the end of the Building Pipe and which receives the discharge of the Building Pipe and conveys it to a public sewer or other point of disposal.

Building Lateral Sewer Stub – The Building Lateral Sewer extension from the public sewer to the property line, or to the limits of a sanitary sewer easement.

Categorical Pretreatment Standard - (Categorical Standard) – Any regulation containing pollutant discharge limits promulgated by USEPA in accordance with Sections 3.7(b) and (c) of the Act (33 USC. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chlorine Demand – The results obtained, using an approved laboratory procedure, to determine the difference between the amount of chlorine added to water, sewage or industrial wastewater and the amount of residual chlorine remaining at the end of a twenty minute contact period at 68°F temperature.

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

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

Combined Sewer – Shall mean a sewer designed to receive and transport both surface runoff and sewage.

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

Connection – Attachment of one user to a sewer.

Connection Charge - (Tap Fee) – The one time application fee by Orange County to offset expenses to process an application for a connection of a building lateral sewer to the public sewer.

Control Authority – The term shall refer to Orange County.

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

Conventional Pollutant – A pollutant that the Harriman Sewage Treatment Plant was designed to treat defined in accordance with the Act.

Cooling Water – Shall mean the water discharge from any system of condensation, air conditioning, cooling, refrigeration or other sources.

County – Shall mean the County of Orange.

County Sewer District – Shall mean any Orange County sewer district as created, altered, or modified by action of the Orange County Legislature.

County Sewer System – Shall mean the interceptor sewers, truck sewers, lateral sewers, force mains, pumping stations, sewage regulators (sewage treatment plants), POTWs, and other appurtenant structures owned and operated by Orange County.

Department of Health – Shall mean the Orange County Department of Health.

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

Direct Discharge – The discharge of treated or untreated wastewater directly to the Waters of the State of New York.

District Sewers – Sewers discharging to the Harriman Sewage Treatment Plant, which are municipally owned and/or municipally operated and maintained.

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

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

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

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

End of Process Concentration – The concentration of a substance in a sample of wastewater after a Categorical process for compliance with National Categorical Pretreatment Standards.

Existing Source – Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with 3.7 of the Act.

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

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

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

Garbage – Shall mean solid wastes from the domestic or commercial preparation, cooking and dispensing of food, or from handling, storage and sale of produce.

Grab Sample – A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time to be taken from a waste stream without regard to flow in the waste stream.

Grease or Fat – Any material which is extractable from an acidified sample of waste by hexane or other designated solvent.

Grease and Oil Interceptor – shall mean any device or equipment utilized to remove fats, oils and grease from the sanitary sewer system to prevent obstruction or limitation of flow.

Groundwater – Water within the earth contained within a water-bearing stratum or formation.

Holding Tank Waste – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and tank trucks.

Indirect Discharge – The introduction of wastewater into a sewer system for treatment and ultimate discharge of the treated effluent to the State's Waters from a non-domestic source regulated under Section 3.7 (b), (c), or (d) of the Act.

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

Industrial User – Any industry, manufacturer, commerce, trade, business or institution whose wastewater discharges flow to the Harriman Sewage Treatment Plant or other facility under control of Orange County.

Industrial Wastes – The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage. This shall also include but not be limited to grease, fats, and oils from commercial kitchens and repair stations, backwash from water filters, and leachate from polluted groundwater and landfills.

Infiltration – Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or 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 – 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.

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

- (1) Inhibits or disrupts the Harriman Sewage Treatment Plant, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore 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) or of the prevention of sewage sludge use or disposal of the Harriman Sewage Treatment Plant in accordance with the following statutory provisions and

regulations or permits issued thereunder (or more stringent State or local regulations):

- (a) 4.5 of the Clean Water Act,
- (b) The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act -RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
- (c) Clean Air Act,
- (d) Toxic Substance Control Act,
- (e) Marine Protection Research and Sanctuaries Act.
- (f) 40 C.F.R. – Section 5.3 "Standards for use and disposal of sewage sludge."
- (g) NYSCRR, Part 360 and Part 700-705 Regulations

Main line sewer – All existing and extensions of gravity sewer systems with pipes 8 inches in diameter or greater (unless approved smaller in diameter by Orange County Division of Environmental Facilities and Services) and force main sewer systems including pumping station and appurtenances that serve more than a single parcel of land with the exception that any condominium building situated on a single parcel of land shall be directly served by a Main line sewer system and Building Lateral Sewer system as approved by Orange County Division of Environmental Facilities and Services.

May – Is permissive

Maximum Allowable Discharge Limit – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Medical Waste – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Municipality – A county, city, town, village, or other public body created by or pursuant to state law.

Municipal Sewers – Sewers owned and operated by a municipality.

National Categorical Pretreatment Standard, or Categorical Standard – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 3.7 (B) and (B) of the Act (33 USC. 1317), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

National Pollutant Discharge Elimination System (NPDES) Permit – A permit issued pursuant to Section 4.2 of the Act (33 USC. 1342).

National Prohibitive Discharge Standard – Any regulation developed under the authority of Section 3.7 (B) of the Act, and 40 CFR, Section 4.3.5.

Natural Outlet – Any outlet, including storm sewers and combined sewer overflows, into the state's waters.

New Owner – That individual or entity who purchased property within the Service Area of any Orange County District after the effective date of this law.

New Source –

- (1) 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 3.7(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 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 Section (1)(b) or (c) above 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
 - (b) Any placement, assembly, or installation of facilities or equipment; or
 - (c) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or
 - (d) Installation of new source facilities or equipment; or
 - (e) 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 User – A discharger to the POTW who commences discharge after the effective date of this Sewer Use Law.

Nitrate – The result obtained when using an approved laboratory procedure to determine the amount of nitrogen present in the form of nitrates (NO_3^-).

Nitrite – The result obtained when using an approved laboratory procedure to determine the amount of nitrogen present in the form of nitrites (NO_2^-).

Non-Contact Cooling Water – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

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

Old Owner – That individual or entity who owns or owned a property, whose sewer are tributary to the Harriman Sewage Treatment Plant, purchased prior to the effective date of this Law, or inherited the property at any time and who intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

Operator – A person or persons who do not legally own the property, but leases or occupies a property with wastewater facilities that discharge or will discharge wastewater.

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

Owner – A person or persons who legally own, lease, or occupy a private property with wastewater facilities that discharge or will discharge wastewater.

Pass Through – The discharge which exits the POTW into waters of the State in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the Harriman Sewage Treatment Plant's SPDES permit, including an increase in the magnitude or duration or a violation.

Permit – A temporary revocable written document allowing use of the Harriman Sewage Treatment Plant for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Sewer Use Law.

Permittee – Shall mean any person who obtains a permit for sewer connection and discharge.

Person – Shall mean any individual, firm, company, association, society, corporation or group.

pH – The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter of solution, as determined by Standard Methods. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

Petroleum Hydrocarbon – The result obtained when using an approved laboratory procedure to determine that portion of the total extractable grease and fats which is not retained as activated alluma or silica gel adsorption column after elutriating with hexane.

P - (Phosphate) – The result obtained when using an approved laboratory procedure to determine the concentration of phosphate as phosphorous, expressed in milligrams per liter.

Pollutant – Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time. This includes but is not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.)

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

Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except by diluting the concentration of pollutants unless allowed by an applicable pretreatment standard such as, 40 CFR, Section 403.6 (D).

Pretreatment Coordinator – A person or entity appointed by the Administrative Head.

Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

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

Prohibited Discharges – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 9.2 of this law.

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 having a dimension greater than one-half (1/2) inch in any dimension.

Private Sewage Disposal System – Shall mean any privy, septic tank, cesspool, or other sewage disposal facility owned and operated by a person other than a municipal sewage system, controlled by public authority.

Publicly Owned Treatment Works (POTW) – A treatment works as defined by Section 212 of the Clean Water Act, (33 USC. 1292) which is owned and/or operated and maintained by Orange County. This definition includes any public sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not directly or indirectly connected to a facility providing treatment. For the purposes of this law, "POTW" shall also include any sewer system that convey wastewaters to the POTW from users outside Orange County Sewer District No. 1 who are, by contract or agreement with Orange County, are users of the Harriman Sewage Treatment Plant or other POTW operated by Orange County.

Public Sewer – Shall mean a Main Line Sewer controlled by public authority.

Receiving Waters – Shall mean a natural water course or any other body of surface or groundwater into which treated or untreated sewage is discharged.

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

Rule – Each statement of general applicability that implements, interprets or prescribes Law or policy or describes the organization, procedures, or practices requirements of Orange County. The term includes the amendment or repeal of a prior rule but does not include:

- (1) Statement concerning the internal management of Orange County and not affecting the private rights or,

- (2) Declaratory rulings issued pursuant to Article 11 of this Sewer Use Law or,
- (3) Intra-agency memoranda.

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

Scavenger Wastes – Shall mean the conditioned human waste matter collected from privies, septic tanks, cesspools and chemical toilets.

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

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

Service Area of the POTW – The legally defined bounds of real property from which wastewater may be discharged into Harriman Sewage Treatment Plant of other POTW owned by Orange County, including all tributary sewers to Orange County owned sewers. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Legislature of Orange County, or any successor body charged with the duty of the operation and maintenance of Orange County Sewer System.

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

Sewage Charge – Shall mean the demand payment for the use of public sewer and/or sewage treatment plant for handling any sewage, industrial wastes or other wastes accepted for admission thereto, in which the quantity or characteristics thereof exceed the maximum values as defined herein.

Sewage, Domestic (Sanitary Sewage) – 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.

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

- (1) BOD (Five Day) - 250 milligrams per liter, or less.
- (2) Suspended Solids - 300 milligrams per liter, or less.
- (3) Total Phosphorus - 15 milligrams per liter, or less.
- (4) Ammonia - 30 milligrams per liter, or less.
- (5) Total Kjeldahl Nitrogen - 50 milligrams per liter, or less.
- (6) Chlorine Demand - 25 milligrams per liter, or less.
- (7) Chemical Oxygen Demand - 350 milligrams per liter, or less.
- (8) Oil and Grease - 100 milligrams per liter, or less.

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

Sewage System – Shall mean all facilities for collecting, regulating, pumping, and transporting sewage to and away from the sewage treatment plant.

Sewage Treatment Plant – Shall mean any arrangement of devices and structure used for treating sewage.

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

Sewer – Shall mean a pipe or conduit for carrying sewage.

Sewer District - (District) – The Orange County Sewer District No 1.

Sewer, Public – A Main Line Sewer accessible to property owners that have equal rights, and the use of which is controlled by the District, and/or the municipality owning that sewer.

Sewer Rents – A scale of annual charges established by Orange County and imposed by the Orange County Legislature for the use of public sewers.

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

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

Sewer System – All facilities for collecting, regulating, pumping, and transporting wastewater and POTW treatment plant effluent to and away from the POTW treatment plant.

Shall – Is mandatory. "May" is permissive.

Significant Industrial User (SIU) – An industrial user of the Districts' POTW who is:

- (1) Discharging an average of twenty-five thousand (25,000) gpd or more of process wastewater, leachate, or contaminated water to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
- (2) Subject to National Categorical Pretreatment Standards promulgated by the EPA;
- (3) Having substantial impact (as determined by the District, NYSDEC, or the USEPA), either singly or in combination with other industries, on the operation of the treatment works, the quality of the sludge, the systems' effluent quality, or air emissions generated by the system;
- (4) Designated as such by the District on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.
- (5) Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system; or
- (6) Contributing a process wastestream which makes up five percent or more of the average dry weather organic capacity of the POTW treatment plant.

Upon a finding that a user meeting the criteria (1) through (5) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

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

(1) Violations of Wastewater Discharge Limits

- a. *Chronic violations.* Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a 6-month period.
- b. *Technical Review Criteria (TRC) violations.* Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a 6-month period.

There are two groups of TRCs:

Group I for conventional pollutants (BOD, TSS, oil and grease) TRC = 1.4

Group II for all other pollutants TRC = 1.2

- c. Any other violation(s) of an effluent limit (average or daily maximum) that the CA believes has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through; or endangered the health or safety of the sewage treatment personnel or the public.
 - d. Any discharge of a pollutant that has caused or has the potential to cause endangerment to human health, safety, welfare or to the environment.
- (2) Violation of Compliance Schedule Milestones is the failure to meet, within 90 days after the scheduled date, a compliance schedule contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance.
 - (3) Violation to Provide Reports for Compliance Schedules is the failure to provide, within 30 days after the due dates, required reports such as self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports).
 - (4) Failure to accurately report noncompliance.
 - (5) Any other violation or group of violations that the Administrative Head considers to be significant.

Significant User – Any user of the Districts' POTW who is:

- (1) A significant industrial user;
- (2) Discharging an average of twenty-five thousand (25,000) gpd or more of wastewater, leachate, or contaminated water to the POTW;
- (3) Having substantial impact (as determined by the Control Authority, NYSDEC, or the USEPA), either singly or in combination with others users, on the operation of the treatment works, the quality of the sludge, the systems' effluent quality, or air emissions generated by the system;
- (4) Designated as such by the District on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.
- (5) Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system; or
- (6) Contributing a wastestream which makes up five percent or more of the average dry weather organic capacity of the POTW treatment plant.

Upon a finding that a user meeting the criteria (1) through (5) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in

response to a petition received from a user, determine that such user should not be considered a significant user.

Slug – Shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration of one or more parameters or flow during normal operation.

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

Standard Methods – Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 3.4 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Administrative Head, whichever is the most conservative.

State – State of New York.

State's Waters – See Waters of the State of New York.

Storm Water – Any flow occurring during or following any form of natural precipitation and resulting there from, including snowmelt.

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

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

Superintendent – That individual appointed by Orange County oversee its' POTW operations. This definition shall also include his authorized deputy, agent, or representatives.

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

Total Nitrogen – The result obtained using an approved laboratory method to determine the sum of TKN, nitrate, and nitrite.

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

Total Suspended Solids – The result obtained using an approved laboratory procedure to determine the solids that either float on the surface of or are in suspension in water, sewage, or other liquids, expressed as milligrams per liter.

Toxic Substances - (Toxic Pollutant) – 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, constitute a hazard by contaminating sludge, or to constitute a hazard to recreation in the receiving waters due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

Ultimate Oxygen Demand (UOD) – shall be computed as $UOD = 1.5 \times CBOD_5 + 4.5 \times TKN$

Unit of Use – The quantity of usage of the sewer system assigned to different classifications of real property in the District.

United States Environmental Protection Agency (USEPA) – 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.

Unpolluted Water – 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User – Any person, business, institution, industry or municipality who contributes, causes, or permits the contribution of wastewater, or is required to deposit wastewater either directly or indirectly into Orange County's sewer system, the Harriman Sewage Treatment Plant or other POTW.

User, Commercial – A user of property occupied by a nonresidential establishment, and not discharging industrial wastes.

User, Existing – A user who is discharging on or before the effective date of this Law.

User, Industrial – Any business, institution, or industry user of the POTW who discharges non-domestic wastewaters.

User, Municipal – Any county, city, town, village, or other public body that discharges directly or indirectly into Orange County's sewer system, the Harriman Sewage Treatment Plant or other POTW.

User, New – A user who initiates discharge after the effective date of this Law.

User, Non-Municipal Outside District – A user that does not tie into a municipal system, but is located outside of Orange County Sewer District No. 1.

User, Residential – A user on premises used only for human residency who discharges only domestic wastewaters.

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

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

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

Section 2.3 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 III **USE OF PUBLIC SEWER**

Section 3.1 Sewage Discharge

It shall be unlawful to discharge into any receiving waters within any Orange County sewer system, either directly or indirectly, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of the Orange County Department of Public Works, New York State Department of Health, New York State Department of Environmental

Conservation, the Orange County Department of Health, and the United States Environment Protection Agency rules, regulations, laws and codes.

Section 3.2 Connecting Private Sewage System to Storm Sewer Unlawful

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

Section 3.3 Discharge of Sewage into Well Prohibited

No user shall discharge sewage or pollutants into a well.

Section 3.4 Wastewater Discharge Unlawful

It shall be unlawful to discharge to any natural outlet in any area under the jurisdiction of Orange County, any wastewater, industrial wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with all applicable regulations and subsequent provisions of this Sewer Use Law.

Section 3.5 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 Sewer Use Law, is available. All housing construction or building development which takes place after this Sewer Use Law is enacted within the geographical limits of the sewer district or contracted service areas shall provide for an approved system of sanitary sewers except where public sewers are not available in accordance with Section 4.1.

Section 3.6 Private Wastewater Disposal Unlawful

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

Section 3.7 Connection to Public Sewer Required

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within Orange County Sewer District No. 1, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (150) feet (45.72 meters) of the property line. This section shall not preclude Orange County from granting a waiver in cases where there is insufficient hydraulic or pollutant capacity as determined by the Administrative Head.

Notwithstanding the requirements of this section, if the entirety of any structure or building designed for and used for residential occupancy is more than five hundred (500) feet from a public sewer, the owner thereof shall not be required to connect such structure or building to such public sewer.

Upon a showing of economic hardship resulting from excessively high costs of connection, the Administrative Head may modify or waive the requirements of this section upon such conditions as he may deem necessary and proper under the circumstances.

A failure of any property owner to connect to the facilities of a sewer district as required within the time required by this Section, by commencing the administrative process prescribed by the County for making connection to the public sewer system within thirty (30) days after the services provided by such system become available to such property owner, shall constitute a violation of this law and shall entitle the Administrative Head to impose a penalty upon the owner of such property equal in amount to the charges such property owner would be obligated to pay if it were so connected under the provisions of this law or any other law, resolution, rule or regulation imposing charges upon the users of a Orange County Sewer District #1.

Section 3.8 Limitation on Use of Public Sewers

The use of Orange County public sewers shall be strictly limited and restricted 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 Harriman Sewage Treatment Works or other POTW and/or any other additional sewer disposal districts or facilities subject to the approval of the Legislature of the County of Orange and/or any body designated pursuant to the laws of the State of New York.

Section 3.9 Wastewater from Outside the Orange County Sewer District No. 1 Service Area

Consistent with State Law, Orange County shall have the authority to accept sewage and other wastes, including industrial wastewater, generated by or discharged from Municipal Users and Non-Municipal Outside District Users that are not located within the bounds of the Orange County Sewer District No. 1 sanitary sewer service area. All provisions of this Law shall apply to those Users of the Orange County Sewer District No. 1 sanitary sewer system and/or Harriman Sewage Treatment Plant.

In addition,

A. Each Municipal User shall:

1. Adopt a Sewer Use Ordinance that is at least as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Sewer Use Law.
2. Maintain a certified flow monitoring system to determine actual sewage flow being placed on the Harriman STP by the Municipality. Each Municipal User shall have certified flow meter(s) installed to gauge sewage flow into the Harriman STP and shall

report such results to the Administrative Head on a monthly basis. The monthly flows will be the basis to determine the proportionate share of operation and maintenance costs incurred by the Municipality for treatment at the Harriman STP. The monthly flows will be used to compute a twelve (12) month rolling average flow for reporting by the Administrative Head. Failure to submit electrically and volumetrically calibrated flow figures in any month, shall result in a flow figure for that month to be computed at a rate ten percent (10%) per month higher than the last reported figure and compounded at a rate of ten percent thereafter until such meter provides a monthly figure. All Municipal users shall permit the Administrative Head access to inspect flow meters at any time requested.

3. Submit an application for a treatment capacity permit issued by Orange County for each new Building Lateral Sewer connection and Main Line Sewer extension that will become part of the Municipal system. The treatment capacity permit is to assure that a Municipality is not placing an *average daily treatment capacity demand* on the Harriman STP that is in excess of the Municipalities total treatment capacity allocation that shall be assigned by the Administrative Head. The *average daily treatment demand* shall be equal to the twelve (12) month rolling average flow plus any unconnected treatment capacity that has been issued a treatment capacity permit by the Administrative Head. It shall be the responsibility of the Municipality to report all new connections made to the Municipal system to the Administrative Head within 45 days of the date such connection is made.

4. The treatment capacity allocated to the Municipality shall not be transferred outside the Municipal system, either by sale or lease, without prior approval from the Administrative Head and the unit of government from which the treatment capacity is to be transferred.

5. In the event that a Municipality disagrees with the number of gallons the Administrative Head determines the Municipality is placing on the Harriman STP, the Municipality shall have the right to present its concerns to the Administrative Head to have the usage figure reviewed. In the event the Municipality is dissatisfied with the determination reached by the Administrative Head, then the Municipality shall have the right to appeal the determination. Orange County and the Municipality shall jointly select one professional engineer whose decision each party agrees to abide by. In the event Orange County and the Municipality are unable to agree on such professional engineer within ten (10) days of the date of the determination made by the Administrative Head then Orange County and the Municipality shall each select an independent professional engineer within twenty (20) days of the determination made by the Administrative Head and those two (2) professional engineers shall select a third professional engineer within ten (10) days of their selection. Within ten (10) days of the selection of the third professional engineer, an informal hearing will be held and the parties agree to be bound by the determination made by majority vote of the three (3) professional engineers. Each party agrees to pay its own expenses and to share the cost of the jointly selected professional engineer whether that jointly selected professional engineer be the individual selected by Orange County and the Municipality or the professional engineer selected by the two professional engineers.

6. Allow the Administrative Head the right to inspect the installation of main line sewers and building lateral sewers constructed within the jurisdiction of the Municipality at any time.

7. Maintain sewage quality at the point of discharge into the OCSD1 sanitary sewer system that is at or below the limits established in this Sewer Use Law for all users, and at or below any limit imposed by the Administrative Head that, in his determination, will be necessary to impose upon the Municipality to prevent against the formation of obnoxious odors and corrosion to the OCSD1 sanitary sewer system infrastructure.

8. All septage waste collected by a Municipality shall not be disposed of anywhere in the collection system leading to the Harriman STP. Improper septage disposal could result in the denial of a treatment capacity permit issued by Orange County and the imposition of a civil penalty in the amount of \$10,000 for each violation.

B. Each Non-Municipal Outside District User shall:

1. Submit for approval, an application to the Administrative Head requesting to connect to the Orange County Sewer District No. 1 sanitary sewer system for treatment at the Harriman STP.

2. Submit for approval, a resolution from the Municipality in which the property is located which i) approves the connection of the property to the Orange County Sewer District No. 1 sanitary sewer system and ii) authorizes OCSD1 to impose sewer rent and sewer tax in the manner prescribed in Article XIII of this Sewer Use Law.

3. Submit for approval, an executed copy of a covenant agreeing to abide by the rules, laws and regulations of the Orange County Sewer Use Law as it may be amended, and to pay charges, for annual operation and maintenance sewer rent, sewer tax and fees as determined by the Administrative Head.

4. Obtain a sewer connection and discharge permit from Orange County Sewer District No. 1 that sets forth the terms and conditions and fees for such discharge.

5. Submit a commercial/non-residential wastewater or Industrial wastewater discharge questionnaire, as applicable.

6. Meet any other conditions imposed by the user's Municipality(s).

Section 3.10 Moratorium

When it is determined that:

(1) One or more segments or process units of the POTW is exceeding its hydraulic or treatment capacity at any time, or

(2) Any specific purpose of this Sewer Use Law is being violated,

the Administrative Head shall have the authority to limit or deny new connections to the Harriman Sewage Treatment Plant or other POTW until the conditions leading to the moratorium are corrected.

ARTICLE IV **PRIVATE SEWAGE DISPOSAL AND SEWAGE SYSTEMS**

Section 4.1 Public Sewers Not Available

Whenever a public sanitary sewer is not available, as described under the provisions of Article IV, Section 4.4, the building sewer shall be connected, either directly or through a private sewage system, to a private sewage disposal system complying with the requirements of the Orange County Department of Health, the provisions of this Article, and all applicable Federal, State and local requirements.

Section 4.2 Septage Removal

Where a private wastewater disposal system utilizes a cesspool or a septic tank, septage shall be removed from the cesspool or septic tank, by a licensed hauler of scavenger wastes, and disposed of in accordance with Article 8 of this law.

Section 4.3 Additional Requirements

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

Section 4.4 Owner to Maintain

The owner of a private sewage disposal or sewage system shall operate and maintain such facilities in a satisfactory manner at all times, at no expense to Orange County.

Section 4.5 Connection Required to Public Sewers When Available

Within 90 days of such time that a public sewer becomes available within 150 feet to a property served by a private sewage disposal and/or sewage system, a direct connection shall be required to the public sewer in compliance with this Sewer Use Law. The owner shall abandon the existing septic tank or cesspool or other private sewage disposal facilities as hereinafter prescribed in Article VI, and said facilities shall be cleaned of sludge, and removed or filled with suitable material, or as directed by the Administrative Head. This section shall not preclude Orange County from granting a waiver in cases where there is insufficient hydraulic or pollutant capacity as determined by the Administrative Head.

Notwithstanding the requirements of this section, if the entirety of any structure or building designed for and used for residential occupancy is more than five hundred (500) feet from a public sewer, the owner thereof shall not be required to connect such structure or building to such public sewer.

Upon a showing of economic hardship resulting from excessively high costs of connection, the Administrative Head may modify or waive the requirements of this section upon such conditions as he may deem necessary and proper under the circumstances.

A failure of any property owner to connect to the facilities of a sewer district as required within the time required by this Section, by commencing the administrative

process prescribed by the County for making connection to the public sewer system within thirty (30) days after the services provided by such system become available to such property owner, shall constitute a violation of this law and shall entitle the Administrative Head to impose a penalty upon the owner of such property equal in amount to the charges such property owner would be obligated to pay if it were so connected under the provisions of this law or any other law, resolution, rule or regulation imposing charges upon the users of a Orange County Sewer District #1.

ARTICLE V **SEWER DESIGN, CONSTRUCTION, AND REPAIR**

Section 5.1 Proper Design

New main line sewer extensions and building lateral sewers to be installed within OCSD1 or any other areas tributary to the Harriman Sewage Treatment Plant shall be designed, by a professional engineer licensed to practice sewer design in New York 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 and latest version of Orange County Division of Environmental Facilities and Services' OCSD1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details document. Plans and specifications shall be submitted to, and written approval shall be obtained from the Orange County Health Department, Orange County Division of Environmental Facilities and Services, the NYSDEC as required, and all agencies having jurisdiction over same, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area. Applications shall be submitted on the latest version of the Application for Sewer Construction, Repair, Modification and/or Change of Use.

Section 5.2 New Main Line Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision or development, the plans, specifications, and method of installation shall be subject to the approval of the Orange County Health Department, Orange County Division of Environmental Facilities and Services, NYSDEC and all other agencies having jurisdiction over same, in accordance with Section 5.1. Said property owner, builder, or developer shall pay for inspection and testing by Orange County Division of Environmental Facilities and Services. They shall also pay for their proportionate share of the cost for any required intercepting or trunk sewers, pumping stations, force mains, and all other expenses incidental thereto which may be required as a result of rezoning or obtaining variances from existing zoning that increases wastewater flow above that quantity generated from development based on conformance with current zoning, or as a result of projects which will enlarge the service area or increase hydraulic or treatment plant

demands on the Harriman Sewage Treatment Plant or other POTW. Each building lateral sewer and stub shall be installed and inspected pursuant to Article 6, and estimated inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified by Orange County Division of Environmental Facilities and Services' latest version of OCSD1 Sanitary Sewer Specifications and standard details, including all applicable addenda, and in conformance with ASTM.

The installation of the main line sewer shall be subject to periodic inspection by Orange County Division of Environmental Facilities and Services, without prior notice. The Administrative Head shall determine whether work on sewers is proceeding in accordance with the approved proposed plans and specifications and whether the completed work will conform to the approved proposed plans and specifications. The main line sewer, as constructed, must pass, to the satisfaction of the Administrative Head, visual inspection, CCTV inspection and pressure test inspection for structural integrity, deflection, infiltration (or the exfiltration test, with prior approval) and manhole vacuum testing for compliance with approved plans and specifications before any Building Lateral Sewer is connected thereto. The Administrative Head shall be notified 48 hours 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 Main Line Sewer will be accepted by the Administrative Head until such construction inspections have been made so as to assure them of compliance with this Sewer Use Law and any amendments or additions thereto. The Administrative Head shall have the authority to require such excavation as is necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected, to the satisfaction of the Administrative Head, so as to permit inspection of the construction, at the owner's or contractor's expense.

New main line sewers shall only be constructed in public dedications and/or legal easements assigned to Orange County Sewer District #1.

Section 5.3 Plans, Specification, and Pipe Test Results Required

Plans, specifications, and methods of installation for all sewers constructed within Orange County shall conform to the requirements of this Article, plus any other requirements specified by Orange County Division of Environmental Facilities and Services OCSD1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details and OCSD1 Sanitary Sewer Specifications. Components and materials of wastewater facilities not covered therein, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 5.1, and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the applicant shall submit, to the Administrative Head, to the Orange County Health Department, NYSDEC, and to all other agencies having jurisdiction over same, 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 also be furnished, upon request.

Section 5.4 Manholes and Manhole Installation

- (1) Design of manholes shall be submitted to the Administrative Head 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.
- (3) Watertight manhole covers shall be used on all manholes where the top of the manhole cover frame is less than 1.0 foot above the 100 year flood elevation, and where covers will be subjected to channelized surface water flow, or flooding.
- (4) Locking manhole covers must be used in all easement areas located in remote locations.
- (5) All construction shall be in accordance with the latest version of Orange County Division of Environmental Facilities and Services OCSD1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details and OCSD1 Sanitary Sewer Specifications.

Section 5.5 Inspection of Construction & Testing

Construction and testing of new sewers which will be operated and maintained by Orange County, direct connections to Orange County sewer system and work by contractors within Orange County easements shall be inspected by Orange County Division of Environmental Facilities and Services or a designated representative. The cost of inspection and testing shall be borne by those who are constructing these sewers. The contractor shall notify the Administrative Head a minimum of 48 hours prior to performing construction and testing, so that, necessary arrangements may be made for inspection.

Construction and testing of other new sewers outside the Orange County Sewer District No. 1 service area and that are contributing to the an OCSD1 sanitary sewer system and/or Harriman Sewage Treatment Plant shall be inspected by a designated representative of the applicable Town or Village. The designated representative of the Town or Village shall notify the Administrative Head a minimum of 48 hours prior to performing construction and testing to provide the Administrative Head the opportunity to inspect the construction and testing at his discretion.

Section 5.6 Infiltration/Exfiltration Testing

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of visual inspection, CCTV inspection and pressure test inspection for structural integrity, deflection, infiltration (or the exfiltration test, with prior approval) and manhole vacuum testing for compliance with approved plans and specifications before they will be approved and discharge of wastewater flow permitted

by the Administrative Head. Testing shall meet the plans and specifications approved by Orange County Environmental Facilities and Services. and specified in Sanitary Sewer Specifications.

Section 5.7 Force Mains

Force mains serving sewage lifting devices, such as grinder pumps and pump stations, shall be designed in accordance with Section 5.1 of the Sewer Use Law. Additional design requirements may be specified by the Administrative Head.

Section 5.8 Final Acceptance and Warranty/Surety

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Administrative Head, shall thereafter be operated and maintained by Orange County or the Municipality as applicable. Said sewers, after their acceptance by the Administrative Head shall be guaranteed against defects in materials or workmanship for one (1) year, by the applicant. The guarantee shall be in such form and contain such provision as deemed necessary by the Administrative Head, secured by a surety bond or such other security as the Administrative Head may approve.

Section 5.9 Final Acceptance and Bulkhead Removal

Final acceptance of sewers not constructed by Orange County' contractors shall be granted by the Administrative Head only after approval of test results, as required, which have been certified by a licensed professional engineer, as requested and have been submitted by the builder of the sewer. Only after approval is granted by the Administrative Head may the bulkhead at the point of connection with the Orange County sewer system be removed and flow discharged into the Orange County sewer system.

Section 5.10 Liability Insurance Coverage and Indemnification During Construction Period

- (1) Prior to any users commencing work on any Orange County easements or properties (owned or leased) they must sign a release to defend, indemnify, save and hold harmless the County of Orange, any agency, department or commission thereof, from any claims arising out of the work performed under contract or permits issued by the County of Orange, and/or the Administrative Head to perform work upon owned, rented, or leased Orange County properties and/or facilities. The persons performing the work must also agree to comply with all OSHA standards and regulations applicable to construction, excavation, and confined space entry requirements, while working upon owned, rented, or leased Orange County properties and/or facilities.
- (2) Prior to any users connecting directly to Orange County facilities or working on Orange County facilities they must file a bond with the Orange County in the amount of five thousand dollars (\$5,000.00) and indemnify the County of

- Orange, 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 done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the Administrative Head may be revoked at any time for just cause.
- (3) Prior to any persons commencing work on any Orange County easements or facilities, permission must be obtained from the Administrative Head, and they must file an insurance certificate with Orange County which contains the clause "The County of Orange and Orange County Sewer District No. 1 shall be listed as an "Additional Insured" with the claimant certificate stating "County of Orange, c/o Orange County Sewer District No. 1". Minimum coverage shall be specified by Orange County.
- (4) Where it is necessary to enter upon or excavate any highway, street, or cut any pavement, sidewalk or curbing, permission must be obtained from the Administrative Head, the local municipality, the County Highway Department if a County Highway, and/or the New York State Department of Transportation if a State Highway is involved.

Section 5.11 Repairs to Defective Sewers

Repairs shall be made to defective main line sewers that have not met final acceptance by the Administrative Head and/or that are under a one year warranty/surety as described in Section 5.8 and building lateral sewers within the Orange County sewer system at the expense of the applicant and/or owner. Defects shall include but not be limited to broken or crushed pipes, offset or leaking joints, reverse slopes, pipe blockages, excessive infiltration, buried manholes, or other discrepancies which in the opinion of the Administrative Head adversely threaten the operation of the Harriman Sewage Treatment Plant or other POTW and/or the public health and/or safety. Defects which pose an imminent threat to the operation of the Harriman Sewage Treatment Plant or other POTW and/or the public health and safety shall be corrected as soon as work forces can be mobilized by the owner after being notified to do so by the Administrative Head in accordance with Section 12.17. Other defects shall be completed within 90 days of being notified to do so by the Administrative Head unless the Administrative Head deems the extent of repairs required sufficient to warrant extending that time limit. If repairs are not effected by the applicant and/or owner within these time limits, the Orange County Division of Environmental Facilities and Services may effect the required repairs at the applicant's and/or owner's expense. Provisions of Article 12 shall apply for collection of these fees.

Section 5.12 Emergency Repairs by the District

When repairs are required and, in the judgment of the Administrative Head, there is potential for imminent harm, injury, adverse effect on the sewer system structures or

equipment, or endangerment to the public health, safety, property, or welfare, and time does not allow for compliance with bidding procedures, the Administrative Head and/or Orange County's County Executive may declare an emergency and bypass the bidding requirements in order to procure those materials and services which are necessary to accomplish the emergency repairs. The Administrative Head, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the health, safety or welfare of Orange County.

ARTICLE VI **BUILDING LATERAL SEWERS AND CONNECTION**

Section 6.1 Connection Permit Authorization Required

No user shall uncover, make any connections with or opening into, use, alter, disturb, or discharge into any public sewer or appurtenance thereof without first obtaining a written permit authorization from the Administrative Head. The user shall follow the latest version of Orange County Sewer District No. 1 Sewer Use Permit Procedure for Sanitary Sewer Construction in order to receive written authorization from Orange County Division of Environmental Facilities and Services.

Section 6.2 Inflow/Infiltration Prohibited

No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, cellar drains, subsurface drainage, excessive infiltration, cooling water, water softener discharge or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer, although backwash from swimming pool filters may be connected with written authorization from the Administrative Head.

Section 6.3 Sewer Connection Permit Authorizations and Fees

For buildings located within the Orange County Sewer District No. 1, an application for authorization for a sewer connection and discharge permit shall be submitted to the Administrative Head. The permit application shall be supplemented by any plans, specifications, insurance, inspection fees, permit fees, indemnification or other information considered pertinent, in the judgment of the Administrative Head. Connections made to the Orange County sewer system without authorization will be considered to be illegal connections and as such will be subject to fines and penalties. Illegal connections may be plugged, removed, or modified by Orange County Division of Environmental Facilities and Services at the owner's expense. In addition, a commercial/non-residential Wastewater Survey Form must be submitted by all non-residential users within the service area to determine if an Industrial Wastewater Discharge Permit and fees may be required in accordance with Article 10.

Section 6.4 New Building Lateral Sewers

A separate and independent building lateral sewer and stub shall be provided for each building except for an accessory building not used for occupancy as approved by

the Administrative Head. Orange County does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection for two buildings on the same parcel of land. Laterals must be sized using sound professional engineering judgment. If more than one building is connected to the same building lateral sewer on one parcel and that parcel is subsequently subdivided to separate the buildings onto individual parcels, then separate building lateral sewers must be constructed for each building on each parcel, with easements being provided for any building lateral sewer from one parcel which passes through another parcel.

New building lateral sewers 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 Administrative Head has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be either;

- (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 and/or building lateral sewer cleanouts in or under the basement shall be sealed airtight in a manner acceptable to the Administrative Head. No new manholes and/or building lateral sewer cleanouts shall be constructed on the portion of the lateral under the building.

Section 6.5 Building Lateral Sewers Serving a Multiple Dwelling Structure

When a sewer lateral is to serve a multiple dwelling structure, the lateral shall be sized in accordance with the metered or estimated water use, using sound professional engineering judgment.

Section 6.6 Private Building Lateral Sewers Serving Complexes

Where a private building lateral sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the private sewer system to which individual building lateral sewer shall be constructed for each building structure with a direct connection made to the Public Sewer. These building lateral sewers shall be sized in accordance with metered or estimated water use, using sound professional engineering judgment. Such building lateral sewers shall be connected to the public sewer. The Administrative Head shall determine through plan review where this connection to the public sewer is required. The new building lateral sewers and cleanouts shall be installed and tested in accordance with this Sewer Use Law and standards specified by Orange County. Plans and specifications for the sewers shall be prepared and submitted for approval pursuant to this Sewer Use Law.

Section 6.7 Dry Sewers

Dry Sewers, as approved by the Administrative Head, shall be designed and installed in accordance with this Sewer Use Law.

Section 6.8 Existing Building Sewers

Existing building sewers may be used in conjunction with building modifications only when they are found, upon inspection and testing by the Administrative Head, to meet all requirements of this Sewer Use Law, and any other specifications adopted by Orange County.

Section 6.9 Lateral Pipe Materials and Construction

The size, slope, alignment, materials of construction of a building lateral sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of OCSD1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details and the local building and plumbing code for construction of the Building Pipe or other applicable rules and regulations and standards specified by Orange County.

Section 6.10 As-Built Drawings

As-Built drawings, showing the as-built location and depth of cover building lateral sewer connections shall be provided to the applicant/owner and kept on file with Orange County Sewer District No. 1.

Section 6.11 Special Manhole Requirements

When any building lateral sewer is to serve an industrial user, 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 Administrative Head, will receive wastewater or industrial wastes of such volume or character that could present a problem to the POTW, then such building lateral sewer shall be connected to the public sewer through a private manhole for the purposes of obtaining representative wastewater samples and accurate flow measurements by the owner and/or Orange County. The new private manhole shall be installed as part of the building lateral sewer system pursuant to this Sewer Use Law, and the building lateral sewer connection made thereto, as directed by The Administrative Head. The manhole must be approved by the Administrative Head prior to installation and shall be subject to inspection at any time by Orange County.

Section 6.12 Building Lateral Sewers At and Near Buildings

Whenever possible, the building lateral sewers shall be brought to the building at an elevation below the basement floor. Construction shall be in accordance with standards specified by Orange County Department of Public Works. The ends of all building lateral sewers or Stubs, which are not connected to the Building Pipe, for any reason, shall be capped and sealed against infiltration by a suitable stopper, plug, or by other approved means.

Section 6.13 Sewage Lifting

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral sewer, upon approval by the Administrative Head.

Section 6.14 Building Lateral/Street Lateral Connection and Responsibility

- (1) Installation, connection, ownership, maintenance, repair, and replacement of the building lateral sewer from the main line sewer to the building shall be the responsibility of the property owner.
- (2) The method of connection of the building lateral sewer to the main line sewer will be dependent upon the type of sewer pipe material, and, in all cases, must be approved by the Administrative Head.

Section 6.15 Inspection and Approval

The applicant for the building lateral sewer permit shall notify the Administrative Head when the building sewer is ready for inspection and connection to the main line sewer or building lateral sewer Stub. In no case shall any underground portions of the building sewer be covered, or connection to the main line sewer or building lateral sewer stub made, without the approval of the Administrative Head or its representative. Permission to activate the building sewer will be given only after satisfactory final inspection has been made and approval given by the Administrative Head or his representative.

Section 6.16 Trench Inspections

When trenches are excavated for the laying of building lateral sewers, such trenches shall be inspected by Orange County Division of Environmental Facilities and Services. Before the trenches are backfilled, the person performing such work shall notify the Administrative Head when the laying of the building lateral sewer is completed, and no backfilling of trenches shall begin until approval is obtained from the Administrative Head.

Section 6.17 Protection and Safety

All excavations for building sewer excavations shall comply with all Federal, State, and local safety regulations, and 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 work shall be restored in a manner satisfactory to the Administrative Head and the governing municipality.

Section 6.18 Maintenance and Repair

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 Village, Town or Orange County. The property owner shall indemnify Orange County, Village, and/or Town from any loss or damage that may be directly or indirectly occasioned by the installation of the building lateral sewers, and connections and appurtenances.

Section 6.19 Abandoning Building Lateral Sewer Connections

Building lateral sewers for building connections which are abandoned when a building is demolished, substantially destroyed by fire or the building is destroyed for any other reason, must be sealed with a factory fabricated watertight cap at the property line or at the edge of the sewer easement or at an approved location by the

Administrative Head. A fabricated cap may then be constructed on the new pipe. The Administrative Head must be notified prior to performing this work. This is to ensure that proper construction materials and methods as well as location ties to the cap can be verified by an inspector. If the building lateral sewer is not capped properly within 30 days of being abandoned as described above, Orange County Division of Environmental Facilities and Services may cap it or cause it to be capped by others, then collect charges for that work from the property owner in accordance with provisions of Article 12 of this Sewer Use Law relating to the collection of charges and delinquent payments.

Section 6.20 Exterior Building Lateral Sewer Cleanout

Exterior cleanout fitting(s) shall be provided for each building lateral sewer at a readily accessible location within 10 feet of the exterior foundation wall and then every 100 feet maximum thereafter. The fitting shall contain a 45-degree branch with a threaded removable plug, and so positioned that sewer cleaning or sewer inspection equipment can be inserted therein to clean or inspect the building lateral. The cleanout diameter shall be no less than the Building Lateral Sewer pipe diameter. Each cleanout fitting shall be protected with a cast iron frame and cover installed at grade.

Section 6.21 Full Building Trap and Backwater Preventer:

A full building trap and/or backwater preventer shall be installed and constructed as required by the Administrative Head in accordance with OCSD1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details. A full building trap may be required to eliminate the potential of obnoxious odors from escaping the public sewer. A backwater preventer may be required in areas subject to excessive flows in the public sewer.

Section 6.22 Exceptions, Municipal User Requirements

- (A) If another municipality contributes wastewater to the Harriman Sewage Treatment Plant, the contributing municipality shall be considered a Municipal User as defined within this Sewer Use Law.
- (B) Orange County shall request the following information from each Municipal User:
 - (1) A description of the quality and volume of wastewater discharged to the Harriman Sewage Treatment Plant by the contributing municipality;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the Harriman Sewage Treatment Plant; and
 - (3) Such other information as the Administrative Head may deem necessary.
- (C) The Municipal User shall meet the following conditions:
 - (1) A requirement for the Municipal User to adopt a sewer use law which is at least as stringent as the Sewer Use Law and local limits which are at least as stringent as those set out in this Sewer Use Law. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the law or local limits;
 - (2) A requirement for the Municipal User to submit a revised user inventory at least semi-annually. In addition, the Municipal User must notify the

- Administrative Head of the locations of all new users and any new industry in the service area;
- (3) A provision specifying which pretreatment implementation activities, including wastewater permit issuance, inspection and sampling, and enforcement, will be conducted by Orange County Division of Environmental Facilities and Services and which of these activities will be conducted jointly by the Municipal User and the Administrative Head;
 - (4) A requirement for the Municipal User to provide the Administrative Head with access to all information that the Municipal User obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the Municipal User's wastewater at the point where it discharges to the Harriman Sewage Treatment Plant;
 - (6) Requirements for monitoring the Municipal User's discharge for applicable pollutants and airborne concentrations of pollutants in the sewer;
 - (7) A provision ensuring Orange County access to the facilities of users located within the Municipal User's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Administrative Head; and
 - (8) A provision specifying remedies available for breach of this Sewer Use Law.
 - (9) Orange County Division of Environmental Facilities and Services has the right to take legal action to enforce the terms of the Municipal User's ordinance or to impose and enforce pretreatment standards and requirements directly against non-compliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

ARTICLE VII **INFLOW RESTRICTIONS**

Section 7.1 New Inflow Sources Prohibited

No connections shall be made to a sanitary sewer which connections are intended to discharge inflow. Such prohibited connections include, but are not limited to, footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, non-contact cooling water which has no chance of being contaminated or polluted, swimming pools, or other sources of inflow. Exceptions will not be permitted unless authorized in writing by the Administrative Head.

Section 7.2 Existing Inflow Sources Disconnected

Connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Administrative Head at the expense of the owner. Authorized representatives of the Orange County Division of Environmental Facilities and Services, Orange County Department of Public Works, USEPA, NYSDEC, NYSDOH, and or Orange County Health Department shall be given access to all properties to inspect for inflow sources in accordance with this Sewer Use Law.

Section 7.3 Fines For Inflow

Sources of inflow are considered illegal connections and as such are subject to fines. In addition, the quantity of inflow, as estimated by the Administrative Head, is subject to a surcharge at the rate of three times the normal rate of the user charge for industrial flow. This surcharge shall be collected in the same manner as other fines under this Sewer Use Law or other law of Orange County.

ARTICLE VIII
TRUCKED IN WASTEWATER**Section 8.1 Permit and Application**

The discharge of trucked or hauled wastewater into County sewer system and public sewers tributary thereto will be permitted only with a written Wastewater Hauler Permit from Orange County. Any Permit issued by The Administrative Head, for this purpose shall be for a term of one (1) year. The waste hauler must also be permitted by the NYSDEC under 6 NYCRR Part 364 (364 permit).

Applicants must apply, in writing, on a form provided by the Administrative Head. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that Orange County may require, to determine whether the trucked or hauled wastes could adversely impact the Harriman Sewage Treatment Plant. The application shall be accompanied by a fee prescribed by Orange County. The hauler of trucked or hauled wastes may also be charged a fee for each discharge. The fee shall be paid and a form certifying the origin of the waste shall be filled out prior to discharge of the trucked in wastewater.

Section 8.2 Notification of Discharge

The discharge of trucked in or hauled wastes shall be made only at a location shall be stated on the Permit or as may be relocated by Orange County. The time and conditions for permissible discharge shall be as set forth on the Wastewater Hauler Permit or as may be revised by the Administrative Head. Orange County Department of Environmental Facilities and Services may inspect, sample, and analyze each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling, and analysis, shall be paid by the permittee.

Section 8.3 Regulations Relating To Permits

The applicant for a Wastewater Hauler Permit shall be the owner of the vehicle for which authorization is applied. Any false or misleading statement, in any application, shall be grounds for invalidating the permit. All acts performed in connection with the permit shall be subject to the inspection and regulations, as established by Orange County, the terms and conditions of the Wastewater Hauler Permit and all local and general laws, ordinances and regulations which are now or may come into effect, and

such permit may be suspended or revoked at any time by Orange County for willful, continued, or persistent violation thereof.

Section 8.4 Permit for Discharge of Trucked In or Hauled Wastes

Each discharge of trucked in or hauled wastes may be made upon presentation of valid Wastewater Hauler Permit issued by the Administrative Head.

ARTICLE IX
DISCHARGE RESTRICTIONS

Section 9.1 Protection from Damage

Any person who maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces, or tampers with any structure, appurtenance, or equipment which is a part of the Orange County Sewer System, Harriman Sewage Treatment Plant, or public sewer tributary hereto will be in violation of this local law and subject to the penalties provided herein.

All users of the Orange County Sewer System or the Harriman Sewage Treatment Plant will comply with all applicable Federal, State, and local standards and requirements, including but not limited to 40 CFR Parts 403–471.

Section 9.2 Prohibited Discharge Standards

(A) General Prohibitions

No User shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Harriman Sewage Treatment Plant. These general prohibitions apply to all such users of the Harriman Sewage Treatment Plant whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements.

(B) Specific Prohibitions

Without limiting the generality of the forgoing, a User may not contribute the following substances to the Harriman Sewage Treatment Plant:

- (1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the Orange County Sewer System, Harriman Sewage Treatment Plant, or to the operation of the Harriman Sewage Treatment Plant. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25% nor any single reading be more than 40% of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene,

- toluene, xylene, ethers, alcohols, carbides, hybrids, and sulfides, and any other substance which Orange County, the State, or the EPA has determined to be a fire hazard, or hazard to the Orange County sewer system or Harriman Sewage Treatment Plant.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half ($\frac{1}{2}$) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass or stone grinding or polishing wastes.
 - (3) Any wastewater having a pH less than 5.0 or greater than 11.0 Standard Units (SU), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or Orange County personnel.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by inter-action with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Harriman Sewage Treatment Plant, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
 - (5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
 - (6) Wastewater containing fats, wax, grease, or oils including any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.
 - (7) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (8) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the Harriman Sewage Treatment Plant treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). Orange County reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.
 - (9) Unusual flow rate or concentration of wastes, constituting slugs, except by Industrial Wastewater Permit.

- (10) Any wastewater containing any radioactive wastes except as approved by the Administrative Head and in compliance with applicable State and Federal regulations. Any institution or industry discharging radioactive material or fission products must be registered with the Orange County Division of Environmental Facilities and Services as well as with other regulatory agencies as the law requires.
- (11) 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.
- (12) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.
- (13) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the Harriman Sewage Treatment Plant in a quantity that may cause acute worker health and safety problems.
- (14) Any substance, including oxygen-demanding pollutants (BOD, COD etc.) or chlorine 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 or pass through of Harriman Sewage Treatment Plant, or cause a significant additional load on the sewage treatment works, except as provided under Article 10.
- (15) Any substance which may cause the Harriman Sewage Treatment Plant's effluent or any other product of the Harriman Sewage Treatment Plant 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 be discharged to the Harriman Sewage Treatment Plant cause the Harriman Sewage Treatment Plant 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 local criteria applicable to the sludge management method being used.
- (16) Any water or wastes containing strong acid metal pickling wastes or concentrated plating solutions whether neutralized or not.
- (17) Materials which contain or cause unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulphate.
- (18) Waters or wastes containing substances which are not amenable to treatment or reduction in concentration by the sewage treatment plant process employed, or amenable to treatment only to such a degree that the sewage treatment plant effluent will violate the most current NPDES and/or State Disposal system Permit or the receiving water quality standards.

- (19) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drain-age, swimming pool drainage, condensate, deionized water, non-contact cooling water which has no chance of becoming contaminate or polluted, and unpolluted wastewater, unless specifically authorized by the Administrative Head.
- (20) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (21) Medical wastes, except as specifically authorized by the Administrative Head.
- (22) Detergents, surface-active agents, or other substances which may cause excessive foaming in the Harriman Sewage Treatment Plant.
- (23) Trucked or hauled pollutants, except at discharge points designated by the Administrative Head.
- (24) Trucked in wastewater shall comply with Article 8 of the Sewer Use Law.
- (25) Wastewater with a dissolved hydrogen sulfide concentration of greater than 1 mg/l.

Section 9.3 National Categorical Pretreatment Standards

The categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into the Sewer Use Law.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, Orange County 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, Orange County may 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. Upon the promulgation of new or revised Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limits imposed under this Sewer Use Law for sources in that subcategory shall immediately supersede the limitation imposed under this Sewer Use Law. The Administrative Head shall notify all affected users of the applicable reporting requirements under 40 CFR, Part 403.12.

Section 9.4 Concentration Based Limitations

No user shall discharge, directly or indirectly, to the Harriman Sewage Treatment Plant, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the sanitary sewer system ("end of pipe" concentrations).

EFFLUENT CONCENTRATION LIMITS

Parameter (1)	Average Daily Limit (2) (mg/l)
Ammonia	230
Arsenic	0.16
CBOD	670
Cadmium	0.027
Chromium	0.40
Copper	0.27
Iron	6.9
Lead	0.041
Manganese	1.3
Molybdenum	0.83
Nickel	0.69
Silver	0.37
Sulfate	1,540
Total Phenolics	0.29
TSS	4,800
UOD	11,000
Zinc	0.68

- (1) All concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.
- (2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day, except for cyanide, total

phenolics, pH, oil and grease which shall be determined using grab samples. The limits for organic pollutants other than those listed in this section and higher than the minimum detection limits as established by 40CFR Part 136 and/or the current edition of Standard Methods shall be set on a case-by-case basis.

Section 9.5 Mass Discharge Based Limitations

The Administrative Head may impose mass discharge based limits on individual users for specific pollutants. Mass based discharge limits may be imposed for pollutants which may have negative impact on the Orange County sewer system, Harriman Sewage Treatment Plant, Orange County employees or the receiving water. The Administrative Head shall issue permits to significant industrial users and may issue permits to other industrial/ commercial users limiting the discharge of these substances. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading.

Permits issued in accordance with this section may not allow for discharges in excess of limitations set forth in this Sewer Use Law.

Section 9.6 Modification of Limitations

Limitations on wastewater strength or mass discharge contained in this Sewer Use Law may be supplemented with more stringent limitations when, in the opinion of the Administrative Head:

- (1) The limitations in the Sewer Use Law are not sufficient to protect the Harriman Sewage Treatment Plant,
- (2) The limitations in the Sewer Use Law are not sufficient to enable the Harriman Sewage Treatment Plant to comply with applicable water quality standards or the effluent limitations specified in the Harriman Sewage Treatment Plant's SPDES permit,
- (3) The Harriman Sewage Treatment Plant sludge will be rendered unacceptable for disposal or reuse as Orange County desires, as a result of discharge of wastewater at the above prescribed concentration limitations,
- (4) Municipal employees or the public will be endangered, or
- (5) Air pollution odor and/or groundwater pollution will be caused.

Section 9.7 Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard, no user shall ever increase the use of water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard.

Orange County may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 9.8 User Bypass

- (A) For the purposes of this section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility or to avoid disposal in any other manner.
 - (2) "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.
- (B) A user may allow any bypass to occur which does not cause violation of pretreatment standards or this Sewer Use Law, but only if it also is for essential maintenance to assure efficient operation.
- (C) (1) If a user knows in advance of the need for a bypass, it shall submit a written notice to Orange County Division of Environmental Facilities and Services, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to Orange County Division of Environmental Facilities and Services of an unanticipated bypass that exceeds applicable pretreatment standards at the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 the bypass.

ARTICLE X
INDUSTRIAL WASTEWATER DISCHARGE PERMITS
AND PRETREATMENT REQUIREMENTS

Section 10.1 When Permits are Required

It shall be unlawful for any Significant Industrial User, as defined in Article 2, to discharge directly into public sewers or into a private sewer, industrial waste, or sewage combined with industrial wastes, or other wastes, except upon such terms and conditions as set forth in the Industrial Wastewater Discharge Permit.

Orange County shall either prevent the discharge of unacceptable wastewater from any Significant Industrial User or issue a Permit which is properly conditioned upon findings and the standards of safety prescribed by this Sewer Use Law. The findings of Administrative Head shall include surcharges, pretreatment requirements, and any measure or combination of measures which are necessary to preserve the sewer system, its structures and equipment and the health, safety and the well being of the Harriman Sewage Treatment Plant, its employees, the community, and the biota of the receiving waters.

Section 10.2 Industrial Wastewater Discharge Reports

As a means of determining compliance with this Sewer Use Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user shall be required to notify the Administrative Head of any new or existing discharges to the Harriman Sewage Treatment Plant by submitting a completed Wastewater Survey Form to the Administrative Head. The Administrative Head may require any user discharging wastewater into the Harriman Sewage Treatment Plant to file wastewater discharge reports and to supplement such reports as deemed necessary. All information shall be furnished by the user in complete cooperation with the Administrative Head, within 30 days of a request.

Section 10.3 Notification to Industrial Users

The Administrative Head shall, from time to time, notify each industrial user of applicable Pretreatment Standards, and of other applicable requirements under Section 204(B) and Section 405 of the Clean Water Act, and Subtitles C and D of RCRA.

Section 10.4 Industrial Wastewater Discharges

No Significant Industrial User (SIU) shall discharge wastewater to the Harriman Sewage Treatment Plant without having a valid Wastewater Discharge Permit, issued by the Administrative Head. Significant Industrial Users shall comply fully with the terms and conditions of their permits in addition to the provisions of the Sewer Use Law and all other State and Federal regulations. Violation of a permit term or condition is deemed a violation of the Sewer Use Law.

Non-significant industrial users and other users shall discharge wastewater to the Harriman Sewage Treatment Plant in accordance to the provisions of this Sewer Use Law and all other State and Federal regulations. Orange County Division of Environmental Facilities and Services may issue Wastewater Discharge Permits to non-significant users. These shall include but not be limited to backwash water from sand filters, and groundwater leachate.

Section 10.5 Industrial Wastewater Discharge Permits Required For Significant Industrial Users

Significant Industrial Users connected to or proposing to connect to or to discharge to the Harriman Sewage Treatment Plant shall obtain a Wastewater Discharge Permit before connecting to or discharging to the Harriman Sewage Treatment Plant. Existing significant industrial users shall make application for a Wastewater Discharge Permit within 30 days after the effective date of the Sewer Use Law, and shall either obtain such a permit within 90 days after making application, or cease discharge of that wastewater.

Section 10.6 Industrial Discharge Permits to Storm Sewers Not Authorized

Orange County does not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the New York State Department of Environmental Conservation.

Section 10.7 Industrial Application for Wastewater Discharge Permits

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with The Administrative Head an application on a form prescribed by the Orange County Division of Environmental Facilities and Services. The application for discharge of industrial waste shall be accompanied by a fee set by Orange County Division of Environmental Facilities and Services. The costs associated with the monitoring of discharges to the public sanitary sewer system will be covered by a corresponding increase in the number of units of use charged for the particular discharge as rounded up to the next whole unit. In support of any application, the industrial user shall submit, in units of use (where, 1 unit of use is equivalent to 400 gallons per day) and terms appropriate for evaluation, the following information:

- (1) Name and address of facility, operator, and owner.
- (2) Environmental Permits: a list of any environmental control permits held by or for the facility. Copies of permits shall be supplied when requested.
- (3) SIC code of both the industry and any categorical processes according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
- (4) A list of categorical pretreatment standards applicable to each regulated process, where they apply.
- (5) The results of sampling and analysis identifying the nature and concentration, and/or mass, there required by the standard or by the Administrative Head, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and daily average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and be taken and analyzed in accordance with procedures set forth in Sections 10.21 and 10.22 of the Sewer Use Law.
- (6) Time and duration of the discharge.
- (7) Average daily peak wastewater flow rates in gallons per day, including daily, monthly, and seasonal variations, if any, as necessary to allow for use of the combined waste stream formula set out in 40 CFR 403.6(e).
- (8) Site plans, floor plans, mechanical and plumbing plans, and details as required showing all sewers, sewer connections, and appurtenances, by size, location, and elevation.
- (9) Description of activities, facilities, and plant processes on the premises, including a list of all materials and chemicals used or stored at the facility which are or could be discharged to the Harriman Sewage Treatment Plant.
- (10) Each product stored or produced by type, amount, process or processes, and rate of production.

- (11) Type and amount of raw materials processed (average and maximum per day).
- (12) Total number of employees, and hours of operation, and proposed or actual hours of operation of the Pretreatment system.
- (13) A statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.
- (14) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, then the industrial user shall provide the shortest compliance schedule to accomplish such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to the compliance schedule:
 - (a) 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 hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).
 - (b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months unless agreed to in writing by the Administrative Head.
 - (c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Administrative Head including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Administrative Head.
- (15) 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.
- (16) Wastewater discharge permit applications and user reports must be signed by an authorized representative of the user 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.”

- (17) Any other information as may be deemed by the Administrative Head to be necessary to evaluate the permit application.

The Administrative Head 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. After evaluation and acceptance of the data furnished, the Administrative Head may issue a Wastewater Discharge Permit subject to terms and conditions provided herein. The permit may be denied in accordance with Section 10.35 of the Sewer Use Law.

Section 10.8 Industrial Discharge Permit Modifications

Wastewater Discharge Permits may be modified by the Administrative Head, upon a 30 day notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (1) Promulgation of an applicable National Categorical Pretreatment Standard.
- (2) Revision of or a grant of a variance from such Categorical Standards pursuant to 40 CFR 403.13.
- (3) Changes in Federal or State pretreatment standards or requirements, general discharge prohibitions pursuant to Section 9.2, or local limits pursuant to Sections 9.4 and 9.5 of the Sewer Use Law.
- (4) Significant alterations or additions in the operation or processes used by the permittee, or changes in discharge volume or character, since the time of wastewater discharge permit issuance.
- (5) Change in the Harriman Sewage Treatment Plant that requires either a temporary or permanent reduction or elimination of an authorized discharge.
- (6) Discovery that the permitted discharge causes or contributes to pass through or interference.
- (7) Changes in the nature and character of the sewage in the Harriman Sewage Treatment Plant as a result of other permitted discharges.
- (8) Information indicating that the permitted discharge poses a threat to the Harriman Sewage Treatment Plant, workers, or the receiving waters.
- (9) Violation of any terms or conditions of the wastewater discharge permit.
- (10) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- (11) To correct typographical or other errors in the wastewater discharge permit;
or
- (12) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 10.7(14)(a).

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit, the User shall apply for a Wastewater Discharge Permit in accordance with Section 10.7 herein, within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

In addition, the user with an existing Wastewater Discharge Permit shall submit to Orange County Division of Environmental Facilities and Services within 180 days after promulgation of an applicable National Categorical Pretreatment Standard the information required by Section 10.7 herein.

Section 10.9 Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all the provisions of the Sewer Use Law, and all other applicable regulations, user charges and fees established by the Administrative Head:

(A) Permits must contain the following:

- (1) A statement that indicates wastewater discharge permit duration, which shall not exceed five (5) years.
- (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to Orange County Division of Environmental Facilities and Services in accordance with Section 10.13 of this Sewer Use Law, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permits.
- (3) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge 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; and
- (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 for maintaining and retaining plant records relating to wastewater discharge and affording Orange County Division of Environmental Facilities and Services access thereto.

- (7) Requirements for notification of the Administrative Head of any introduction of new wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the Harriman Sewage Treatment Plant.
 - (8) Requirements for the notification of the Administrative Head of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (9) Requirements for notification of excessive, accidental, or slug discharges.
- (B) Permits may contain but need not be limited to the following:
- (1) Limits on the volume of sewage, the average and maximum rate and the time of discharge, or requirements for flow regulation and equalization.
 - (2) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the Harriman Sewage Treatment Plant.
 - (3) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (4) Compliance schedules
 - (5) Requirements for submission of technical reports or discharge reports.
 - (6) Requirements for the installation of flow equalization facilities.
 - (7) Requirements for the installation and maintenance (in safe conditions) of monitoring stations (inspection manholes).
 - (8) Requirements for the installation and maintenance by the permittee, at his own expense, of such preliminary treatment facilities as shall be required by this Sewer Use Law.
 - (9) Requirements for the installation and maintenance by the permittee, at his own expense, of the facilities to prevent accidental discharge of prohibited materials in accordance with Section 10.28.
 - (10) Requirements for the posting of a notice advising employees to call Orange County Division of Environmental Facilities and Services in the event of a dangerous discharge.
 - (11) Requirements for the installation and maintenance by the permittee at his own expense, of grease, oil, and sand interceptors, handling of the liquid wastes containing such substances in excessive quantities or any flammable, or volatile waste or other harmful ingredients.
 - (12) Requirements for the submission to and approval by the Administrative Head of plans for any of the facilities or equipment required to be installed and maintained by the permittee. Such approval shall not exempt the discharge of such facilities from compliance with any of the applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations to any such facilities and equipment shall not be made without due notice to and prior approval of the Administrative Head.
 - (13) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the Harriman Sewage Treatment Plant;

- (14) 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; and
- (15) Other conditions as deemed appropriate by the Administrative Head to ensure compliance with and carry out the intent of the Sewer Use Law, and State and Federal laws, rules, and regulations.
- (16) Such terms and conditions may also provide that subsequent to commencement of operations of any preliminary treatment facilities, periodic reports shall be made by the permittee to the Administrative Head, setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes, after treatment, may be determined. The period of those reports will be determined by The Administrative Head and such reports shall include but not be limited to constituent characteristics of any discharge. All such reports relating to compliance with pretreatment standards shall be made available to officials of the United States Environmental Protection Agency or the NYSDEC upon request.

Section 10.10 Industrial Wastewater Discharge Permit Appeals

Any person, including the user, may petition the Administrative Head to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- (A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (B) 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.
- (C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (D) If the Administrative Head fails to act within thirty (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.

Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition in the Supreme Court of the State of New York, County of Orange, within 30 days after the final decision of the Administrative Head.

Section 10.11 Permit Duration

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

(5) years, at the discretion of The Administrative Head. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Section 10.12 Permit Reissuance

The user shall apply for permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Administrative Head, during the term of the permit, as limitations or requirements, as identified in Section 10.9, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 10.9(14)(a).

Section 10.13 Permit Transfer

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

- (A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (B) Identifies the specific date on which the transfer is to occur; and
- (C) Acknowledges full responsibility for complying with the terms and conditions of the existing wastewater discharge permit.

Failure to provide all of the information required in an advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Section 10.14 Revocation of Permit

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

- (A) Failure to notify the Administrative Head of significant changes to the wastewater characteristics or volume prior to a changed discharge;
- (B) Failure to provide prior notification to the Administrative Head of changed conditions pursuant to Section 10.15(C)(5) of the Sewer Use Law;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsifying self-monitoring reports;
- (E) Tampering with monitoring equipment;
- (F) Refusing to allow Orange County Division of Environmental Facilities and Services timely access to the facility premises and records;
- (G) Failure to meet effluent limitations;
- (H) Failure to pay fines;
- (I) Failure to pay sewer charges;

- (J) Failure to meet compliance schedules;
- (K) Failure to complete a Wastewater Survey Form or the wastewater discharge permit application;
- (L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (M) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Sewer Use Law.

Revocation or suspension of the permit shall be made after a hearing and determination by Orange County. If a violation is found to be within the emergency powers of Orange County under Section 12.8, the revocation is immediate upon receipt of notice. However, a hearing shall be held without delay.

Wastewater discharge permits shall be voidable to a permittee 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 10.15 Reporting Requirements for Permittee

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

- (A) The provisions of 18 USC Section 10.1 relating to fraud and false statements;
- (B) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representative or certification; and
- (C) The provisions of Section(c)(6) of the Act, as amended, regarding corporate officers.

The following reports are required:

(1) Baseline Monitoring Report

Within either one hundred eighty (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 intending to discharge to the Harriman Sewage Treatment Plant shall submit to the Administrative Head a report which contains the information listed in Section 10.8. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to The Administrative Head a report which contains the information listed in paragraph (1) thru (17) of Section 10.8. 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 be discharged.

(2) 90-Day Compliance Report for Categorical Pretreatment Standard Deadline

Within ninety (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 Harriman Sewage Treatment Plant, any user subject to such pretreatment standards and requirements shall submit to the Administrative Head a report containing the information described in Section 10.8(4)(5)(7) & (15) of the Sewer Use Law. 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 reduction 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 10.8(16) of the Sewer Use Law.

(3) Periodic Compliance Reports

- (a) Any Significant Industrial User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Harriman Sewage Treatment Plant, shall submit to the Administrative Head a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards during the months of June and December. The Administrative Head may require more frequent of the Periodic Compliance Reports to comply with Pretreatment Standards or Permit. In addition, the Periodic Compliance Report shall include the measured or estimated average and maximum daily flow for the reporting period. At the discretion of the Administrative Head, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the User and the Administrative Head may agree to alter the months during which the above reports are to be submitted. No fewer than two reports shall be submitted per year. All periodic compliance reports must be signed and certified in accordance with Section 10.8(16) of this Sewer Use Law.
- (b) The Administrative Head may impose mass limitations on Users, which may be using dilution to meet applicable Pretreatment Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 10.17 (3)(a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Administrative Head, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed

in accordance with Standard Methods, by a laboratory certified by the NYSDOH to perform the analyses.

- (c) 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.
- (d) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Administrative Head using the procedures prescribed in Section 10.22(b) of this Sewer Use Law, the results of this monitoring shall be included in the report.

(4) Violation Report

If sampling which is performed by the user indicates a violation of this Sewer Use Law and/or the User's Wastewater Discharge Permit, the User shall notify the Administrative Head within 24 hours of becoming aware or receiving notice of the violation. The User shall take such steps as may be necessary to correct the situation immediately, and take 3 additional samples on consecutive days per violation following procedures in 40 CFR part 136 and part 403.12, including amendments thereto, and or as specified in their permit for the parameter which was violated. That sampling and testing shall be paid for by the user. The user may choose to have the Orange County Division of Environmental Facilities and Services perform those tests, at a cost to be determined by Orange County. Analytical results must be reported to Orange County within 30 days of the date of becoming aware of the violation.

(5) Reports of Changed Conditions

Each User must notify the Administrative Head of any planned significant changes to the user's operations or system which might alter the physical or chemical characteristics, quality, or volume of its wastewater at least fourteen (14) days before the change.

- (a) The Administrative Head may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a completed Wastewater Survey Form under Section 10.8 of the Sewer Use Law.
- (b) The Administrative Head may issue a wastewater discharge permit under Section 10.9 of the Sewer Use Law or modify an existing wastewater discharge permit under Section 10.9 of the Sewer Use Law in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of fifty percent (50%) or greater, and the discharge of any previously unreported pollutants.

(6) Reports of Accidental Discharge

Users shall immediately notify the Administrative Head by telephone of any accidental discharges, including the discharge of hazardous waste or any other substance in violation of this Sewer Use Law or any Permit, in accordance with Section 10.28. The user shall then prepare a detailed written report to be received by the Administrative Head within five (5) business days of the occurrence in accordance with Section 10.28.

(7) Reports From Unpermitted Users

The Administrative Head may impose reporting requirements equivalent to the requirements imposed by Section 10.17(3) for users not subject to pretreatment standards.

(8) Date of Written Reports

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 not serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 10.16 Slug Control Plans

At least once every two (2) years, the Administrative Head shall evaluate whether each significant industrial user needs a Slug Control Plan. The Administrative Head may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Administrative Head may develop such a plan for any user. A 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 Administrative Head of any accidental or slug discharge, as required by Section 10.28 of the Sewer Use Law; and
- (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.
- (5) Any other requirements deemed necessary by the Administrative Head.

Section 10.17 Flow Equalization

No user shall cause the discharge of slugs to the Harriman Sewage Treatment Plant. Each user discharging into the Harriman Sewage Treatment Plant, greater than 25,000 gallons per day will be considered a Significant Industrial User and required to obtain a permit. The owner may be required to install and maintain, on his property and

at his expense, a storage and flow control facility acceptable to Orange County Department of Public Works to insure equalization of flow over a twenty-four (24) hour period. A wastewater discharge permit may be issued solely for flow equalization.

Section 10.18 Monitoring Stations (Control Manholes)

- (A) All Significant Industrial Users, and other Users whose discharge may have an adverse effect of the Harriman Sewage Treatment Plant may be required to install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their wastewater discharge.
- (B) If there is more than one street lateral serving a User, the Administrative Head may require the installation of a control manhole on each lateral.
- (C) The Administrative Head may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater or the atmosphere in the sewer system. Such station(s) shall be accessible and safely located, and the User shall allow immediate access, without prior notice, to the station by Orange County Division of Environmental Facilities and Services, or a designated representative of the Administrative Head.

Section 10.19 Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment and flow equalization facilities or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, accessible, and continuously operational by the owner at his expense. Where a User has such treatment, equalization, or monitoring facilities at the time the Sewer Use Law is enacted, the Administrative Head may approve or disapprove the adequacy of such facilities. Where the Administrative Head disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and specifications for such facilities shall be prepared by a licensed Professional Engineer and submitted to the Administrative Head. Construction of new or upgraded facilities shall not commence until written approval of the administrative Head has been obtained. All devices used to measure wastewater flow and quality shall be calibrated as required to maintain their accuracy.

Section 10.20 Vandalism, Tampering with Measuring Devices

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

- (1) Any structure, appurtenance, or equipment which is a part of the Orange County Sewer District No. 1 or the Harriman Sewage Treatment Plant, or
- (2) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under the Sewer Use Law.

Section 10.21 Sampling and Analysis

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis. All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of the Sewer Use Law shall be carried out in accordance with procedures specified in the most recent version of 40 CFR Part 136 by a laboratory certified by NYSDOH to perform the analyses on the pollutant being tested. Laboratories, which are Federally approved for the pollutants being tested, may also be used. Such samples shall be taken at the approved monitoring stations described in Section 10.18, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the sewer lateral which is approved by the Administrative Head, before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

Section 10.22 Pollution Concentration Determination

- (A) The pollutant concentration of any sewage, industrial wastewater or other wastes shall usually be determined from representative samples of effluent discharged to sewers tributary to the Harriman Sewage Treatment Plant which are taken by Orange County Division of Environmental Facilities and Services, their designated agent, or a qualified personnel working for the user and approved by the District, at sampling stations at any period or time, and of such duration and in such manner as the Administrative Head may elect, or at any place or manner mutually agreed upon between the user and the Administrative Head. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharged during an average or typical working day, including any cleanup shift. This concentration may be derived according to the best judgment of the Administrative Head.
- (B) Except as indicated in this Section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Administrative Head may authorize the use of time proportional sampling or a minimum of four (4) 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 approval from the Administrative Head. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (C) The analysis of samples shall be performed in a certified laboratory for the parameter being analyzed. The surcharge and/or the acceptability of the

wastewater shall be determined from these analyses. Pollutant analyses, including sampling techniques, which are submitted as part of a wastewater permit application or report to Orange County 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 the EPA.

- (D) Charges for surcharges shall be based on the analysis of the wastewater from any facility or premises related to total volume of the wastewater. The concentration of pollutants in sewage, industrial waste, or other waste once determined as prescribed under Section 10.21 of this Article shall be used in calculating the sewer surcharge in accordance with the billing procedure of Orange County for the collection of charges, and shall remain in effect until the user shall prove or the Administrative Head shall determine that a change in the manufacturing process, production or waste treatment of said company warrants a re-analysis for the determination of new pollutant concentration of its wastes discharged from such premises into the Sewer District sewers or public sewers tributary thereto. The new pollutant concentration shall then be used in calculating new charges and shall become effective as of the date of the subsequent billing period.
- (E) If sampling performed by a user indicates a violation, the user must notify the Administrative Head by phone, fax, or e-mail within twenty-four (24) hours of becoming aware of the violation and in writing within five (5) business days. The User shall also repeat the sampling and analysis of three additional representative samples and submit the results of the repeat analysis to the Administrative Head within thirty (30) days of becoming aware of the violation. If the Administrative Head monitors at the user's facility during the resampling period, those samples may be utilized as part of the additional samples required to be taken during that period. The user shall reimburse Orange County for the cost of obtaining and testing samples which are required by the user.

Section 10.23 Volume Determination

The Administrative Head may use one of the following methods as the figure representing the number of cubic feet and/or gallons of wastewater discharged into the sewer system:

- (1) The amount of water supplied to the premises by the local Water Company as shown on the meter if the premises are metered, or
- (2) If premises are supplied other than by the local Water Company and such sources include but are not limited to wells, rivers or lake waters, such premises shall have metering devices installed which are approved by the OCDPW, at the owners expense, for measuring the volume of water used for

- the purpose of computing waste discharged from these sources and for billing purposes, or
- (3) If such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Administrative Head, or
 - (4) The number of cubic feet of wastewater discharged into the sewer system as determined by measurements and samples taken at an approved flow metering device and location approved by the Administrative Head. The Owner or Operator of the facility is responsible for the costs of the flow metering device, modifications to the facility, and other work associated with the installation of the equipment.
 - (5) A figure as determined by the Administrative Head by any combination of the foregoing or by any other equitable method.

Section 10.24 Pollutant Concentration Disputed by an Industrial User

In the event that the pollutant concentration of the wastewater discharged from a facility to the sanitary sewer tributary to the Harriman Sewage Treatment Plant as determined under Section 10.22 of this Article is disputed by a user, a program of resampling and gauging with subsequent chemical and physical analysis may be instituted as follows:

- (1) The user must submit a request for re-sampling and gauging of the wastes to The Administrative Head and bind himself to bear all of the expense incurred by the Orange County Department of Environmental Facilities and Services in the re-sampling, gauging, and subsequent analysis of the wastewater.
- (2) A consultant or agency of recognized professional standing retained by the facility must confer with representatives of the Administrative Head in order that an agreement may be reached as to the various factors which must be considered in a new sampling program.
- (3) The consultant or agency of recognized professional standing retained by the facility must be present or represented during the re-sampling operation, unless waived by the Administrative Head.
- (4) Re-sampling must be performed when all wastewater producing processes are contributing wastewater containing pollutants at normal or representative rates.
- (5) The results of the re-sampling and re-analysis by a certified laboratory approved by the Administrative Head shall be considered to be the current analysis of the wastewater discharged to the sanitary sewer tributary to the Harriman Sewage Treatment Plant and shall be used for determining the surcharge and/or acceptability of the wastewater.
- (6) Orange County Division of Environmental Facilities and Services may obtain its own sampling and analysis in accordance with the agreed upon sampling method.

Section 10.25 Industrial Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Sewer Use Law and shall achieve compliance with all applicable Federal Categorical Pretreatment Standards within the time limits as specified by the EPA, the State, or the Sewer Use Law, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Administrative Head shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the Administrative Head for review and approval prior to purchasing and commencing construction of the pretreatment facility. The review and approval of such plans and operating procedures will in no way relieve the user of the responsibility of modifying the facility as necessary to produce an effluent in compliance with this Sewer Use Law or Federal Categorical Pretreatment Standards. Any subsequent changes in the pretreatment facilities or operation shall be submitted and be approved by The Administrative Head prior to the User's initiation of the changes.

The Administrative Head shall annually publish in the local daily newspaper a list of the users which were in significant non-compliance with any pretreatment requirements or standards at least once during the twelve previous months. For the purpose of this provision, significant non-compliance shall be as defined in Section 2.2 herein. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve months. Costs incurred to publish the notice shall be charged to the user.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA and State upon request.

Section 10.26 Grease and Oil Interceptors

Grease and oil interceptors shall be provided, when, in the opinion of the Administrative Head, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oils, grease, flammable substances, or other harmful substances; except that such interceptors shall not be required for single private living quarters or single living units, whereas they shall be required for multiple dwelling units or other buildings which generate a sufficient quantity of grease to cause a buildup of grease in the interceptor downstream of it's connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities. All interceptors shall be of type and capacity approved by the Administrative Head and shall be located where they will intercept sewage from the facilities generating these substance prior to being mixed with other sewage, and where they will be easily accessible for cleaning and inspection. Where it is determined by the Administrative Head that a grease trap is required for a building with multiple kitchens or cooking areas and it is prohibitively expensive to separate the plumbing from those areas to a common grease trap, individual grease traps or approved grease reclamation units or other measures to control the grease may be approved by the Administrative Head.

Grease and Oil interceptors shall be inspected, cleaned, and repaired regularly as needed, by the owner, at his expense. Records and receipts for cleaning including the date, quantity of waste removed, and the name and address of the contractor removing the waste shall be maintained and made available to Orange County personnel for inspection at their request for at least three years. If after being directed by the Administrative Head to do so, interceptors are not constructed or maintained adequately, the Administrative Head may do this work or arrange to have it done by others, then back charge the owner for the cost of this work. If the owner does not pay the charges for this work, the unpaid charges shall be levied against the property owner as a lien against the property and collected in accordance with Section 12.20 of the Sewer Use Law.

Grease removed from the interceptor shall not be discharged into the Harriman Sewage Treatment Plant without written permission from the Administrative Head. The contractor shall keep records of the location of the final disposition of the grease removed from the interceptor. Those records shall also be made available for the District's inspection at their request for at least three years.

Section 10.27 Combustible and Hydrogen Sulfide Gas Meters

Users with the potential to discharge flammable substances or material that may produce hydrogen sulfide may be required to install and maintain a combustible gas detection meter, alarm, automatic shut off valve, telemetering device etc. which is approved by the Administrative Head. The meter, alarm automatic shut off valve, telemetering device etc. shall be installed in a location approved by the Administrative Head at the owner's expense, calibrated per the manufacturer's requirements and maintained at the owner's expense.

Section 10.28 Accidental Discharges

Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or concentration exceeding limits of the Sewer Use Law or an Industrial Wastewater Discharge Permit. Upon becoming aware of an accidental discharge, users shall immediately telephone and notify the Administrative Head of the discharge of wastes in violation of the Sewer Use Law or Permit.

Notification shall include the location of discharge, type of waste, concentration of pollutants, volume of discharge, reason for discharge time and date discharge started and stopped, and corrective actions taken and to be taken. Such discharges may result from:

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

Where possible, such immediate notification shall allow the Administrative Head to initiate appropriate countermeasure action at the Harriman Sewage Treatment Plant.

The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Administrative Head shall receive a copy of such report no later than the fifth business day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 30 calendar days after the occurrence. Such notification shall not relieve the user of any expenses, loss, damage or other liability which may be incurred as a result of damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable laws.

Upon request, a Slug Control Plan shall be submitted to the Administrative Head, for approval. This plan shall comply with the requirement 40 CFR Part 403 and meet the requirements of Section 10.16 of this Sewer Use Law.

Section 10.29 Posting Notices

In order that the User's employees be informed of Orange County requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Orange County requirements and whom to call in case of an accidental discharge in violation of the Sewer Use Law. Employers shall advise employees who may cause a slug discharge to occur of the emergency notification procedures.

Section 10.30 Sampling and Sample Splitting

Orange County Division of Environmental Facilities and Services shall have the authority to enter a user's premises to conduct inspections, obtain samples and analyze the samples as necessary to determine the nature and concentration of wastes. Whenever sewage, industrial wastes, or other wastewater are believed to have characteristics other than those prescribed for "Sanitary Sewage" as defined in Article 2 herein, or are believed to contain toxic substances or prohibited materials pursuant to this Sewer Use Law, are discharged into the sewers tributary to the Harriman Sewage Treatment Plant, the Administrative Head shall have the right to reassess its determinations by taking samples and tests at any reasonable time or by periodic rechecks, without notice to the user discharging such wastewater.

Samples shall be taken and flow measurements made at the monitoring stations or other locations provided in accordance with Sections 10.18 of the Sewer Use Law. In the event that a control manhole or manholes have not been required, the samples shall be taken at a suitable and accessible point or points approved by the Administrative Head.

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Orange County Division of Environmental Facilities and Services shall gather sufficient volume of sample in order for the sample to be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols,

including any quality control procedures. One of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by Orange County Division of Environmental Facilities and Services for its own analysis.

All samples shall be tested by a certified testing laboratory for the parameter being analyzed in accordance with procedures in 40 CFR Part 136 and shall be accompanied by a chain of custody or as specified in the Permit.

In cases where analytical results on the same sample are different, the average of the two results shall be used to determine if there is a violation.

Section 10.31 Access to Information

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

Each page of any report or portions of a report that might disclose a trade secret or secret process, shall have the words "Confidential" on the upper heading. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to the Sewer Use Law, or the SPDES Permit, and/or the Pretreatment Programs, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceeding involving the User furnishing the report. The Administrative Head shall provide written notice to the User of any disclosure of confidential information to another governmental agency.

Section 10.32 Access to Property

Subject to the applicable provisions of the State and Federal law, Orange County Division of Environmental Facilities and Services and other authorized representatives of Orange County, representatives of EPA, NYSDEC, NYSDOH, and/or Orange County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law and with the provisions of this Sewer Use Law. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to

conduct sampling or flow measurement and to inspect for inflow or excessive infiltration sources. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. The representative(s) shall have access to and may copy any records the User is required to maintain under the Sewer Use Law in accordance with Section 10.33. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section, shall be punishable by such penalties as may be prescribed under Article 12 of the Sewer Use Law. If Orange County Division of Environmental Facilities and Services or its authorized representative have been refused access to a building, structure, or property, or any part thereof, and are able to demonstrate probable cause to believe that there may be a violation of the Sewer Use Law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with the Sewer Use Law or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Administrative Head may seek issuance of a search warrant from a court having jurisdiction to issue search warrants.. During the performance of inspections on private premises, sampling, or other similar operations, the inspectors shall observe all applicable safety rules established by the owner and/or occupant of the premises.

Section 10.33 Access to Records of Industrial Users

Users subject to the reporting requirements of the Sewer Use Law shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the Sewer Use Law 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, and 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 (3) 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 Administrative Head.

Section 10.34 Access to Easements

Orange County Division of Environmental Facilities and Services, bearing proper credentials and identification, shall be permitted to enter private premises through which Orange County holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public sewer system lying within the easement. All entry and subsequent work on the easement

shall be done in accordance with the terms of the easement pertaining to the private premises involved.

Section 10.35 Not Required to Issue Industrial Discharge Permits

Notwithstanding any other provisions of the Sewer Use Law, the Administrative Head is not required to issue a Wastewater Discharge Permit for the disposal of industrial wastes, if, in the opinion of the Administrative Head, such disposal of wastes would upset the sewage treatment process or cause undue injury or harm to the sewer system, its structures and equipment and the health, safety and well being of the employees, the community and the biota of the receiving water

Section 10.36 Property Damage Protection

Any persons who maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Orange County sewer system or the Harriman Sewage Treatment Plant shall be in violation of the Sewer Use Law and subject to the penalties provided herein.

Section 10.37 Violation of Industrial Discharge Permit

Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit shall be deemed a violation of the Sewer Use Law and subjects the wastewater discharge permittee to the sanctions set out in Article 12 of the Sewer Use Law. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and Local law.

Section 10.38 Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between Orange County and any User of the Harriman Sewage Treatment Plant whereby wastewater of unusual strength or character is accepted into the Harriman Sewage Treatment Plant and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the District shall consider whether the wastewater will:

- (1) Pass-through or cause interference;
- (2) Endanger the County employees or contractors working on the Harriman Sewage Treatment Plant;
- (3) Cause violation of the SPDES Permit;
- (4) Interfere with any Purpose stated in Article I of this Sewer Use Law;
- (5) Prevent the equitable compensation to Orange County for wastewater conveyance and treatment, and sludge management and disposal; or
- (6) Cause odors.

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

Section 10.39 Industrial Bypass

- (A) For the purposes of this section,
- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "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.
- (B) 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.
- (C)(1) If a user knows in advance of the need for a bypass, it shall submit a written notice to the Administrative Head, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Administrative Head of an unanticipated bypass that exceeds applicable pretreatment standards at the time it becomes aware of the bypass. A written submission shall also be provided within five (5) 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 the bypass.
- (D)(1) Bypass is prohibited, and Orange County may take an enforcement action against a user for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) 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 judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Administrative Head may approve an anticipated bypass, after considering its adverse effects, if the Administrative Head determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

ARTICLE XI
GENERAL PROCEDURES OF THE SEWER DISTRICT

Section 11.1 Public Information

The Administrative Head has the overall responsibility for the implementation of the pretreatment program and the various aspects of pollution control and wastewater treatment within the jurisdictional boundaries. The Administrative Head shall:

- (1) Adopt within its procedures, a description of its organization stating the general course and method of operation and designate where applications, requests, and submissions shall be made.
- (2) Adopt rules stating the nature and requirements of formal and informal procedures in applying for a permit, requesting a hearing, and submitting or opposing the adoption of any rule.
- (3) Develop rules, orders, and statements of policy or interpretation used by Orange County in the discharge of its functions available for public inspection. This provision is not applicable in favor of any person or party who has actual knowledge thereof.
- (4) Amend or repeal rules, orders, and statements of policy or interpretation used by Orange County.

These functions are incorporated into the latest version of Orange County Sewer District No.1 Main Line Sewer and Building Lateral Sewer General Guidelines, Construction Application, Construction Permit Procedures and Standard Details document.

Section 11.2 Filing and Taking Effect of Rules

- (1) The Administrative Head shall file a copy of each rule with the department. The Orange County Division of Environmental Facilities and Services will keep a permanent file which may be inspected upon request during normal business hours.
- (2) The rule shall be effective ten days after the date of acceptance by Orange County Division of Environmental Facilities and Services.

Section 11.3 Availability of Rules

Orange County shall compile, index and publish effective rules on the County website. The compilation shall be supplemented periodically. Copies of the compilation shall be open for inspection upon request at the offices of the Orange County Division of Environmental Facilities and Services during normal public hours; copies will be made available in accordance with the law.

ARTICLE XII
ENFORCEMENT PROCEDURES AND PENALTIES
ADMINISTRATIVE REMEDIES

Section 12.1 Notification of Violation

Whenever the Administrative Head finds that any User has violated or is violating the Sewer Use Law, Industrial Wastewater Discharge Permit, Main Line Sewer Permit, Building Lateral Sewer Permit, Wastewater Hauler Permit, any other permit, order, prohibition, limitation, or requirement permitted by the Sewer Use Law, the

Administrative Head may provide verbal notification, warning letters, or arrange for informal meetings to allow the User to be aware of the violation. In addition, Orange County may serve the User with a written notice stating the nature of the violation. Within ten (10) calendar days of the date of receipt of the notice, the User shall provide an explanation of the violation and a plan for the satisfactory correction and prevention thereof to the Administrative Head. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of Orange County to take action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12.

Section 12.2 Administrative Orders

When The Administrative Head finds that a user has violated, or continues to violate, any provision of the Sewer Use Law, a wastewater discharge permit or order issued thereunder, or any other pretreatment standard or requirement, Orange County 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. Administrative orders also may contain other requirements to address the noncompliance, including installation of pretreatment equipment, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12.

Section 12.3 Consent Orders

Orange County is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such document will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Consent Orders shall have the same force and effect as an administrative order, and shall be judicially enforceable.

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12.

Section 12.4 Administrative Fines

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

Fines are payable within thirty (30) days of receiving notice to pay them, made payable to Orange County. If payment is not received within thirty (30) days, the fine will be added to the owner's tax bill. If the facility is not the Owner of the property, sewer services may be discontinued unless payment is received.

A late charge of 1% per month or part of a month will be added to any late payment to cover interest and handling costs, for fees received after thirty (30) days.

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12. Where a request has merit, Orange County may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. Orange County may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 12.5 Cease and Desist Orders

When the Administrative Head finds that a user has violated, or continues to violate, any provision of the Sewer Use Law, 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, Orange County 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; and
- (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.

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12.

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 12.6 Termination of Permit

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

- (1) Violation of 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 constituents and characteristics prior to discharge.
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- (5) Violation of pretreatment standards in the Sewer Use Law or a wastewater discharge permit.

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

The User may, within fifteen (15) calendar days of notification, petition the Administrative Head to modify or suspend the finding in accordance with Section 12.12.

The termination of a permit shall not be a bar against, or prerequisite for any other action against the user.

Section 12.7 Emergency Suspensions

Orange County 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. Orange County may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the Harriman Sewage Treatment Plant, 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, Orange County may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Harriman Sewage Treatment Plant, its receiving stream, or endangerment to any individuals. A review of the determination of Orange County made pursuant to this section shall be made in accordance with and subject to the provisions of Section 11 of the Sewer Use Law.

- (2) Orange County may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Administrative Head that the period of endangerment has passed, unless the termination proceedings in Section 12.6 of the Sewer Use Law are initiated against the user.
- (3) 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 Administrative Head within 10 days of the date of occurrence and/or prior to the date of any show cause or termination hearing under this Sewer Use Law.

When any discharge, in the belief of the Administrative Head will cause serious, imminent harm, injury or adverse effect on the sewer system structures or equipment, or to any persons or to the biota of the receiving water; Orange County shall take any temporary action necessary to protect the public health, safety or welfare without a prior hearing or order. Review of the emergency action by a hearing will be accomplished without delay to determine what, if any, permanent restriction is necessary. The Administrative Head, acting upon belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare of Orange County.

Section 12.8 Show Cause Hearing

Orange County may order any User appealing administrative remedies for violations of the Sewer Use Law to show cause why an 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 regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause 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) calendar days before the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or be prerequisite for, taking any other action against the User.

Orange County may itself conduct the hearing and take evidence, or may designate any of its members or employee of Orange County to conduct the hearing and;

- (1) Issue, in the name of the Orange County, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,
- (2) Take the evidence,
- (3) Take sworn testimony
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations for action thereon.

After reviewing the evidence, Orange County may order the user to comply with the order or fine, modify the order or fine or vacate the order or fine.

Section 12.9 Notice

The notices, orders, petitions, or other notification which the User or Orange County shall desire or be required to give pursuant to any sections of the Sewer Use Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of the Sewer Use Law shall be mailed to the User where the User's effluent is discharged into transmission lines tributary to the Harriman Sewage Treatment Plant.

Section 12.10 Right to Choose Multiple Remedies

Orange County shall have the right, within his sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. Orange County may utilize more than one administrative remedy established pursuant to this Article, and Orange County may hold a show cause hearing combining more than one enforcement action.

Section 12.11 The Administrative Head: Quasi-Judicial Powers

This Sewer Use Law shall allow the Administrative Head to perform the following in regards to ensuring compliance with this Sewer Use Law and protection of the Harriman Sewage Treatment Plant, the sanitary sewer system, and the health and safety of workers and the public:

- (1) Issue subpoenas which shall be regulated by the Civil Practice Law and Rules;
- (2) Compel the attendance of witnesses;
- (3) Administer oaths to witnesses and compel them to testify;
- (4) Designate a representative to sign and issue such subpoenas;
- (5) Issue warrants to any peace officer of the municipality to apprehend and remove such person or persons as cannot otherwise be subjected to his orders or regulations, and to the sheriff of the county to bring to his aid the power of the County whenever it shall be necessary to do so;
- (6) Prescribe and impose penalties for the violation of, or failure to comply with any of these orders or regulations or any of the provisions of this Sewer Use Law;
- (7) Designate a hearing officer to conduct formal hearings.
- (8) Maintain actions in any court of competent jurisdiction to restrain by injunction violators of this Sewer Use Law, orders, or otherwise enforce such law or orders;

Section 12.12 Formal Hearings

- (1) Except in cases of emergency, the Administrative Head shall cause a formal hearing to be held on any application, complaint, circumstances, or alleged violation of the Sewer Use Law, permit and regulations under his jurisdiction prior to issuing any determination or order based upon any violation of this Sewer Use Law or regulations of the State of New York. The hearing shall be conducted by the Administrative Head or by a hearing officer designated by the Administrative Head.
- (2) Such formal hearing shall be on no less than 10 days notice to the person or persons concerned, as the circumstances may require, and shall be set down for a day certain.
 - (a) The notice of the hearing shall set forth:
 - (1) the time and place of the hearing;
 - (2) the purpose of the hearing;
 - (3) charges and violations complained of, if any, with specific reference to the provisions of sections of this Sewer Use Law or regulations of the State of New York;
 - (4) the right to present evidence;
 - (5) the right to examine and cross-examine witnesses;
 - (6) the right to be represented by counsel.
- (3) On the return day of the hearing, the Administrative Head or the designated hearing officer shall note the appearance of the persons attending the hearing.
 - (a) Witnesses shall be sworn and testimony shall be recorded.
 - (b) The testimony shall be transcribed within a reasonable time after the conclusion of the hearing.
- (4) If the hearing is held by a designated hearing officer, the hearing officer shall submit his findings and conclusions in a report to the Administrative Head, together with his recommendations. The Administrative head may accept or reject all or part of the recommendation of the hearing officer. The Administrative Head shall issue a final decision or determination in writing, setting forth his conclusions of fact and finding of law or reasons for the decision including, where applicable, reasons for not following the recommendations of the hearing officer. The Administrative Head shall take such action upon such findings and determinations as he deems proper, and execute an order carrying such findings and determinations into effect, setting forth the conditions to be complied with, and penalties to be imposed, if any.
- (5) The order provided for in subdivision 4 of this section shall be filed in the department and a copy thereof shall be served on all persons concerned.
- (6) Nothing herein contained shall preclude the department from taking any action other than the formal hearing herein provided for, as may be prescribed by law; nor shall the department be precluded from taking such other action by virtue of the order made pursuant to this section.

- (7) The Administrative Head or person authorized by him to take testimony shall not be bound by the rules of evidence. In the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
- (8) The action of the Administrative Head may include the assessment of penalties as provided by law.
- (9) An order of suspension or revocation of any permit or license may contain such provisions as to renewal or reinstatement as the Administrative Head shall direct.
- (10) The Administrative Head may direct a rehearing or require the taking of additional evidence, and may rescind or affirm a proper determination after such hearing.
- (11) The minutes of a formal hearing shall be made available to all parties for examination at the office of the department. Copies of minutes may be purchased at the rate per page covering the cost thereof.
- (12) The Administrative Head shall cause to be served upon the person or persons concerned a copy of findings of fact, conclusions, and order made as a result of a formal hearing.
- (13) Notwithstanding any other provisions of this Sewer Use Law, if the Administrative Head finds that any user is causing or contributing to a condition which creates an emergency which requires immediate action to protect the Harriman Sewage Treatment Plant, the sanitary sewer system, the public health or safety, he shall order such user to discontinue immediately the condition or hazard and such order shall be complied with immediately.

Upon issuance of any such order, the Administrative Head, if requested in writing by the user so ordered, shall fix a time and place for a hearing in accordance with the procedures set forth in this article. Not more than 24-hours after the conclusions of such a hearing, and without adjournment thereof, the order shall be affirmed, modified, or set aside.

Section 12.13 Failure of User to Petition

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

Section 12.14 Rules of Evidence; Official Notices

In contested cases:

- (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in non-jury civil cases in the Supreme Courts of New York shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under

- may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Orange County shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
- (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;
 - (3) A party may conduct cross-examinations required for a full and true disclosure of the facts;
 - (4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of general recognized technical or scientific facts within Orange County's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Administrative Head's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Section 12.15 Decisions and Orders

A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding. If, in accordance with the Sewer Use Law, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed findings. Parties shall be notified either personally or by mail of any decision or order.

Section 12.16 Permits

- (1) When the grant, denial, or renewal of an Industrial Wastewater Permit, Wastewater Hauler Permit, Main Line Sewer Permit, or Building Lateral Sewer Permit, or any other permit is required to be preceded by notice and opportunity for hearing, the provisions of the Sewer Use Law concerning contested cases shall apply.
- (2) When a permittee has made timely and sufficient application for the renewal of an applicable permit or a new permit with reference to any activity of a continuing nature, the existing permit does not expire until the application has been finally determined by the Administrative Head and, in case the application is denied, or the terms of the new permit limited, until the last day for seeking review of the order or a later date fixed by order of the reviewing court.

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

Section 12.17 Review of Contested Cases

A party who has exhausted all administrative remedies available, and who is aggrieved by a final decision in a contested case, may appeal such decision in accordance with the provisions of Article 78 of the Civil Practice Law and Rules.

JUDICIAL REMEDIES

Section 12.18 Civil Actions for Penalties

A user who has violated, or continues to violate, any provision of the Sewer Use Law, a wastewater discharge permit, or order issued hereunder, or any other order or requirement shall be liable to the District for a civil penalty not to exceed \$1,000.00 per violation, per day. Each violation shall be deemed a separate and distinct violation. In the case of a long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

Orange County 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 Orange County.

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.

Such civil penalty may be released or compromised before the matter has been referred to the District's attorney, and where such matter has been referred to the District's attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the District's attorney, with the consent of the District Board.

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

Section 12.19 Court Orders

In addition to the power to assess penalties as set forth in this Section, Orange County shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

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

Any such order shall be sought in an action brought by the Sewer District's Attorney at the request of the Orange County, in any court of competent jurisdiction, giving precedence to courts local to Orange County.

Orange County's counsel shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Section 12.20 Criminal Penalties

Any person who willfully violates any provision of the Sewer Use Law or any final determination or administrative order of Orange County made in accordance with this Article may be guilty of a class A misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred (\$500) nor more than one thousand dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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

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

Section 12.21 Additional Injunctive Relief

When Orange County finds that a user has violated, or continues to violate, any provision of the Sewer Use Law, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, Orange County may petition a court of competent jurisdiction through counsel 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 the Sewer Use Law on activities of the user. Orange County 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 12.22 Summary Abatement

Notwithstanding any inconsistent provisions of the Sewer Use Law, whenever The Administrative Head finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in its judgment, present an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the Harriman Sewage Treatment Plant or the environment, and it therefore appears to be prejudicial to the public interest to allow the conditions or activity to go unabated until notice and an opportunity for a hearing can be provided, the Orange County may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, Orange County may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, Orange County shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

The Administrative Head, acting upon the belief that an emergency exists, shall be indemnified against any liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the Harriman Sewage Treatment Plant or the environment.

Section 12.23 Seek Damages

Any person violating any of the provisions of the Sewer Use Law or the orders, rules, regulations and permits issued thereunder may, in addition, be civilly liable to Orange County for any expense, loss, or damage occasioned to the Orange County by reason of such violation, including but not limited to payment of council fees, court costs, court reporters, and stenographic transcripts.

Section 12.24 Remedies Non-Exclusive

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

MISCELLANEOUS**Section 12.25 Industrial Wastewater Pretreatment Program Enforcement Response Plan**

The Industrial Wastewater Pretreatment Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by industrial users of the Harriman Sewage Treatment Plant. All violations by industrial users of the Harriman Sewage Treatment Plant shall be met with some type of enforcement response.

The Enforcement Response Plan shall:

- (1) Describe how the Administrative Head will investigate instances of non-compliance.
- (2) Describe the types of escalated enforcement actions that the Administrative Head will take in response to all anticipated types of violations.
- (3) Address Orange County's responsibility to enforce all applicable standards and requirements.

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

- (1) Magnitude of the violation.
- (2) Duration of the violation.
- (3) Effect of the violation on the receiving water.
- (4) Effect of the violation on the Harriman Sewage Treatment Plant.
- (5) Effect of the violation on the Health and Safety of Orange County employees.
- (6) Compliance history of the User.
- (7) Good faith of the User.

The Enforcement Response Plan shall be reviewed at least every five years.

Section 12.26 Delinquent Payments

If there shall be any payments which are due to Orange County, pursuant to any Article or Section of the Sewer Use Law, interest shall accrue on the unpaid balance, at the rate of one percent (1%) per month, retroactive to the date of the effective date of payment as specified on the notice to the Owner.

In the event that there are any sewer rents, assessments, penalties, permit fees, surcharges, capital contributions, or other charges which are delinquent as of October 30th of any year, the District Accountant shall report the names of the defaulting persons to the Orange County Department of Law. These unpaid charges shall be levied against the property owner as a lien against the property and collected as sewer rent during the following year. The Assessor shall add the entire amount of the sewer rent, assessments, and other charges which are in default, plus a 5% penalty for failure to pay by October 30th of that year plus accumulated interest to the sewer rent due

and owing to Orange County in the next succeeding year. The Towns shall collect that amount in the same manner that sewer rent due and owing to Orange County is collected.

Where charges are delinquent and the violator is not a resident of Orange County, then Orange County is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate town where the User is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as provided for in the law, to the real property taxes due to the town in the next ensuing year.

Nothing in this Article shall prohibit Orange County from bringing any action or proceeding in a court of competent jurisdiction to recover any penalty imposed under the Sewer Use Law.

Section 12.27 Performance Bonds

Orange County may decline to reissue a permit to any User which has failed to comply with the provisions of the Sewer Use Law, any order or previous permit issued, hereunder or any other pretreatment standard or requirement, unless such User first files with it a satisfactory bond, payable to Orange County, in a sum not to exceed a value determined by the Administrative Head to be necessary to achieve consistent compliance.

Section 12.28 Liability Insurance

The Administrative Head may decline to reissue a permit to any User which has failed to comply with the provisions of the Sewer Use Law or any order or previous permit issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair Harriman Sewage Treatment Plant damage caused by its discharge.

Section 12.29 Public Notification

The Administrative Head shall publish annually, in the largest daily newspaper published in the municipality where the Harriman Sewage Treatment Plant is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For this purpose, the term significant noncompliance shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the

applicable criteria;

(3) Any other discharge violation that the Administrative Head believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Harriman Sewage Treatment Plant personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in Orange County exercise of his emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (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 thirty (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; or

(8) Any other violation(s) which Orange County determines will adversely affect the operation or implementation of the local pretreatment program.

Section 12.30 Reporting of Violations to other Agencies

Orange County shall report industrial waste discharges consistently failing to achieve County, State, or Federal pollution standards to appropriate local, State, and Federal agencies, as required by law. The Administrative Head shall assist appropriate local, State, and Federal agencies' as necessary in their review or action upon such report.

Section 12.31 Other Laws and Actions Not Precluded

Proceedings under the Sewer Use Law do not preclude enforcement of any ordinances, criminal statutes or laws of the State of New York by either the Orange County or the State of New York.

An action or proceeding may be brought by Orange County in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of the Sewer Use Law notwithstanding the provisions of this Article for penalty or other punishment.

ARTICLE XIII

IMPOSITION OF SEWER RENTS, SEWER TAX AND FEES

Section 13.1 Legislative Intent

It is the intention of the Legislature of Orange County by the adoption of this Article to establish and impose sewer rents and sewer tax for the Orange County Sewer District No. 1 and/or any successor body, agency, commission or authority charged with

the duty of operation and maintenance as well as increase and improvements of the Orange County Sewer District No. 1 and/or any additional sewer disposal districts or systems formed pursuant to the provisions of the County Law and the General Municipal Law in accordance with the provisions of Article 14-F of the General Municipal Law, Article 5-A of the County Law, and any other applicable law.

Section 13.2 Definitions

As used or referred to in this Article, unless a different meaning clearly appears from the context:

- (1) The term "sewer rents" shall mean a scale of annual charges established and imposed by the Legislature of Orange County for the use of the public sewers.
- (2) The term "sewer tax" shall mean the annual tax incurred from real property assessed on an equitable basis to pay capital increase and improvement of OCSD1.
- (3) The term "units of use" shall mean the quantity of usage of the sewer system assigned to different classifications of real property in the district. One unit shall be equal to 400 gallons per day or other volume per unit of time as specified by the Administrative Head.
- (4) For the purpose of Article 13, the term "user" shall mean any owner of real property within the district who is depositing or is required to deposit sewage, either directly or indirectly, into the public sewers.
- (5) Where beds are referred to as the index of unit charges, the maximum capacity approved by the appropriate governmental authorities shall be determinative of such computation of beds.
- (6) Meals included with rooming facilities shall mean meals served either in rooms or in central eating area. Where the central eating area is open to others in addition to those staying at that facility, units shall be assigned based upon no meals, with separate units assigned to the eating facility as a food service.
- (7) Occupants are defined as owners, managers, employees, or volunteer workers.
- (8) Each office space which is used by a separate owner and/or tenant shall be treated as a separate office space for the purpose of assigning units of use, regardless of the use of a common bathroom facility between them. A group of small offices having a common receptionist and waiting room shall be treated as one office.

Section 13.3 Schedule of Units of Use

The basis of the charge for the sewer rents to be paid by the users shall be determined from the following schedule of units of use.

<u>Classification of Property</u>	<u>Units of Use</u>
One family dwelling	1 unit

Two family dwelling	2 units
Each separate apartment (or separate unit) in a two family, three family or multiple dwelling	1 unit
Mobile Home	1 unit
Combination one family home with a professional or business office other than dentist	2 units
Combination one family home with a professional or business office dentist	3 units
Rooming Houses – each four beds rooms or part.....	1 unit
Residence for adults or youths – Rooming Houses, Boarding Houses and Group Homes with meals served – each three beds or part.....	1 unit
Hotel or Motels (no meals) – each three four rooms or part.....	1 unit
Hotels – American plan with meals served – each 2 rooms or part	1 unit
Business Offices and Commercial Establishments – For each with five occupants or part (where, occupants are defined as owners, managers and employees)	1 unit
Retail and Wholesale Store establishment – For every 4,000 square feet or part	1 unit
Commercial establishments – with five occupants or less (where, occupants are defined as owners, managers or employees) and	1 unit
for each additional five occupants or part	1 unit
Industrial plants – shall be any enterprise which produces industrial wastes as defined by Section 2.1. One Unit of Use for each 400 gallons per day of flow plus additional units based on quantity and quality to be determined and assigned	1 unit
Laundromatserettes – for each two washing machines.....	1 unit
Laundries – based on water use capacity with units assigned at 400 gpd per	1 Unit
Car Wash laundries – based on water use capacity with units assigned at 400 gpd per	1 unit

Highway Toll Plaza and Rest Stops – based on water use capacity with units assigned at 400 gpd per	1 unit
Bar and Grill	3 units
Luncheonette (Open less than fourteen hours a day)	3 units
Luncheonette (Open more than fourteen hours a day)	6 units
Restaurant – small – twenty seats or less	3 units
Restaurant – medium – twenty-one to seventy-five seats	4 units
Restaurant – large – over seventy-five seats	5 units
Restaurant – each 20 seats or part above 100 seats	1 unit
Restaurant – with bara add	3 units
Catering Hall – assign 60% of the number of units assigned for full seating capacity of “Restaurant” classification as rounded up to the next whole unit	
Catering Takeout or Delicatessen – each 5 occupants	1 unit
Bakeries and Bagel Shops – each 5 occupants	1 unit

Classification of Property

Units of Use

Schools: Public-Private-Parochial

Elementary – for each sixty pupils	1 unit
Junior High School – for each fifty-four pupils	1 unit
Senior High School – for each forty-two pupils	1 unit

Colleges:

For each fifty-four students	1 unit
For each seventy-five evening students	1 unit
For each eight resident students (where dormitories are available)	1 unit

Churches – Synagogues – Temples (including Sunday School):

For each one hundred thirty persons or part	1 unit
For part time week day school add	1 unit
Small congregation – under on hundred families	1 unit
Medium congregation – one hundred to two hundred fifty families	2 units
Large congregation –over two hundred fifty families	3 units
For part time week day schools add	1 unit
Drive-in Theaters – for each forty car spaces or part	1 unit
Theaters – for each sixty seats or part	1 unit
Bowling Alleys – for each five lanes or part	1 unit
Ice and Roller Rinks – each 50 users (avg/day) and each 60 spectators (avg/day)	1 unit
Summer camps (6 months) – each 15 campers w/o lunches served or 10 campers w/ lunches	1 unit
Golf courses – per each toilet	1 unit
Racquet courts – per each court	3 units
Physical Fitness Establishments – for each 25 members (avg/day)	1 unit
Country Club – each 15 members (full yr.) add units for overnight	

accommodations and food service for non-club members ...	1 unit
Parks – each toilet, urinal or shower (full yr. Operation)	1 unit
Hospitals – for each four beds	3 units
Medical Offices – (including dentists) – for each four occupants or part	1 unit
Veterinarians – for each five occupants or part	1 unit
Convalescent Homes (Group homes or hostels for each 2 beds)	1 unit
Funeral Parlors – each viewing room	1 unit
Service Stations – without car wash (each toilet)	1 unit
Service Stations – with car wash	2 units
Beauty Salons and Barber Shops – For each two stations or part Minimum	12 units
Three to five customer service stations.....	3 units
Six or more service stations	4 units
(Count each shampoo facility as a customer service station)	
Fire House (with additional units assigned for bar or eating facility) ...	1 unit

Section 13.4 Annual Sewer Rent

There is hereby established and imposed an annual sewer rent on all users to be determined by multiplying the unit charge times the number of units assigned to each user based upon the schedule of units of use in Section 13.3 of the Article. The unit charge shall be established annually by the Orange County Legislature at the time of the adoption of the county budget.

Section 13.5 Statements

The Commissioner of Finance of the County of Orange shall cause statements to be prepared setting forth the amount of sewer rents for each user subject thereto and shall mail the same to such user on or before the dates set forth in Section 11.6 of the Sewer Use Law. The failure of any user to receive a statement promptly shall not excuse non-payment thereof and in the event.

If a user fails to receive a statement promptly, he shall, upon request made to the Commissioner of Finance of the County of Orange, be furnished with such statement or a duplicate thereof.

Section 13.6 Dates of Payment; Penalty for Late Payment

Such annual sewer rents shall be due and payable in two semi-annual equal installments at the office of the Commissioner of Finance of the County of Orange in Goshen, New York, or such other place or places as he may designate, on the first day of January and the first day of July of each year. If such sewer rents are not paid within thirty days of the date due, a penalty will be added thereto computed at the rate of ten percent per year.

Section 13.7 Pro-Rate Sewer Rent

Anything to the contrary notwithstanding in this Sewer Use Law, if a property owner in the district becomes a user as defined herein upon the connection to the main

line sewer. The semi-annual sewer rent for the billing period in which such owner becomes a user shall be pro-rated for the number of months commencing with the month in which such owner becomes a user and ending with the last month of such billing period, and shall be paid at the time such owner becomes a user. In the event such sewer rent is not paid at such time, it shall be added to the semi-annual sewer rent due and payable for the immediately succeeding billing period and shall be collected at the same time and in the same manner as the sewer rent due for such immediately succeeding billing period.

Section 13.8 Unpaid Sewer Rents To Be a Lien

Unpaid sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents shall have been imposed as and from the first day fixed for the payment of such sewer rents. The lien shall be prior and superior to every other lien or other claim except the lien of an existing tax, assessment, or other lawful charge imposed by or for the State of New York, or a political subdivision or district thereof.

Section 13.9 Enforcement of Sewer Rent Liens

The Commissioner of Finance of the County of Orange shall prepare, and transmit to the Orange County Legislature, on or before the first day of December in each year a list of those users within the County Sewer District who are in arrears in the payment of such sewer rents for a period of thirty days or more after the last day fixed for payment of such sewer rents without penalty. The list shall contain a brief description of the properties for which the sewer services were provided, the names of the users liable to pay for the same and the amount chargeable to each, including penalties computed to December thirty-first (31st). The Orange County Legislature shall levy such sums against the properties liable and shall state the amount thereof in a separate column in the annual tax rolls of the various municipalities under the name of "county sewer rents". Such amounts, when collected by the several municipal collectors or receivers of taxes, shall be paid over to the Commissioner of Finance of the County of Orange. All of the provisions of the tax laws of the State of New York covering the enforcement and collection of unpaid taxes or assessments for special improvements not inconsistent herewith shall apply to the collection of such unpaid sewer rents. Such amounts, when received by the Commissioner of Finance of the County of Orange, shall be credited to the applicable county district fund and shall be used only for such county sewer district purposes.

Section 13.10 Office and Store Occupancy and Notification of

Each separate office or store space within a building shall be assessed a minimum of one unit of use regardless of whether it is occupied or not after it has received its' certificate of occupancy or has been occupied. An owner must notify the Orange County Commissioner of Finance on or before the date which a space is to be occupied for use. Sewer rent will be imposed beginning on that date and will be prorated for the percentage of a year during which it is occupied. If the owner fails to

notify the Orange County Commissioner of Finance by registered mail or facsimile that a space has been occupied for use, and Orange County subsequently becomes aware of this, then sewer rent shall be imposed for that space beginning on the date of occupancy or issuance of a certificate of occupancy, whichever occurs earlier. Sewer rent will be reduced to one unit on the date which an owner notifies Orange County Commissioner of Finance by registered mail or by facsimile, and Orange County subsequently verifies that a space has been vacated.

Section 13.12 Part Time and Off Premise Employees

When an employee is on the premises an average of less than two hours per day, the number of units to be charged for that employee shall be prorated based upon the average percentage of an eight-hour work day that they are on the premises. An employee who works an average of over two hours per day but for an average of four hours or less per day shall be considered a part time employee and they shall be considered one half of an employee for the purpose of determining the number of units to be charged. Employees who work more than four hours per day shall be considered full time employees for the purpose of determining the number of units to be charged.

Section 13.13 Additional Industrial Unit Charges

The additional units for industrial and commercial establishments to be added to the established Orange County unit charge shall be the product of the sewer surcharge factor and the established Orange County flow rate charge as shown in the schedule of units of use for industrial plants in Section 13.2. The general form for the determination of the surcharge factor (S.F.) shall be as follows:

$$\text{Total Units} = U + (\text{S.F.} \times U)$$

$$\text{S.F.} = a \frac{(\text{BOD}-250)}{250} + b \frac{(\text{SS}-300)}{300} + c \frac{(\text{P}-n)}{N} \dots$$

Where:

U = Units determined by flow rate per Section 13.2

S.F. = Surcharge Factor

BOD = Milligrams per liter of Biochemical Oxygen Demand as defined in Section 2.2
(Minimum = 135)

SS = Milligrams per liter of Total Suspended Solids as defined in Section 2.2 (Minimum = 160)

P = Milligrams per liter of any identifiable pollutant affecting the strength of the sewage or having an effect on the sewer system, the treatment plant process or the receiving waters of the effluent from the treatment plant. (Minimum = 1/2 the maximum value allowed in the permit)

A = Proportion of operations and maintenance cost for treatment of a unit of Biochemical Oxygen Demand

B = Proportion of operations and maintenance cost for treatment of a unit of Suspended Solids

- C = Proportion of operations and maintenance cost for treatment of the identifiable pollutant.
- N = Normal value as stated in the definition for sewage – normal in Section 2.2.

NOTES:

- (1) The values for a, b, or c shall be determined by The Administrative Head on a yearly basis from data accumulated during each preceding year from the costs of treatment.
- (2) More than one identifiable pollutant may be present in the sewage and each such pollutant therefore shall appear as an additional term in the formula for determination of the sewer surcharge factor.
- (3) The total number of units to be charged shall not be less than that calculated by dividing the flow rate by 400 g.p.d./unit and eliminating all negative surcharge factors.

Section 13.14 Pretreatment Program Costs

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

- (1) Reimbursement of costs of setting up and operating the pretreatment program
- (2) Issuing permits
- (3) Monitoring, inspections, and surveillance procedures
- (4) Costs of equipment and supplies
- (5) Reviewing accidental discharge procedures
- (6) Reviewing self monitoring reports
- (7) Construction inspections
- (8) Filing appeals
- (9) Application for consistent removal status as outlined in 40 CFR 403
- (10) Other reasonable expenses which the District may deem necessary to carry out the program to satisfy the requirements of this Sewer Use Law, the NYSDEC, and the Federal government.

Section 13.15 Charges for Hauled or Trucked in Wastes

The charge for discharging hauled or trucked in into the Harriman Sewage Treatment Plant shall be set by the Administrative Head. The manner of determining the volume dumped shall be at the discretion of the Administrative Head.

Section 13.16 Capital Recovery from Industrial Users

Orange County may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the Harriman Sewage Treatment Plant which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the Harriman Sewage Treatment Plant.

Section 13.17 Fees For Services to Others

Orange County may contract with private and municipal entities to provide services to them such as the flushing, televised inspection, and/or sealing of sewers, the operating of wastewater facilities, etc., both in and out of the Orange County Sewer District No. 1. The Administrative Head shall establish the rates to be charged for these services.

Section 13.18 Collection of Charges

Provisions of Article 12 of this Sewer Use Law relating to the collection of penalties and delinquent payments shall apply to the collection of Sewer Service Charges and Sewage Service Surcharges, unless otherwise provided by application of the Sewer Use Law.

Section 13.19 Impact Fees

Orange County shall have the authority to impose impact fees on new development or rezoning, which development may:

- (1) Cause enlargement of the service area of Orange County Sewer District No.1.
- (2) Cause increased hydraulic demands on the Orange County Sewer District No. 1 sanitary sewer system and/or treatment demands on the Harriman Sewage Treatment Plant.

Section 13.20 Sewer Operating Fund

All revenues derived by Orange County shall be credited to the Orange County Sewer District No. 1.

- (1) Monies in this fund shall be used exclusively for the following functions:
 - (a) For the payment of the operation and maintenance, including repair and replacement costs of the sewer system, Harriman Sewage Treatment Plant, or other POTW,
 - (b) For the discovery and correction of inflow and infiltration,
 - (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the sewer system, and
 - (d) For the extension, enlargement, replacement of, and/or additions to the Harriman Sewage Treatment Plant, including any necessary appurtenances or other POTW.

Section 13.21 Records and Accounts

Orange County shall maintain and keep proper books of records and accounts for Orange County Sewer District No. 1 and the Harriman Sewage Treatment Plant, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to Orange County Sewer District No. 1 and the Harriman Sewage Treatment Plant. Orange County may cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized

independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year. Classification of old and new industrial users should also be reviewed annually.

Section 13.22 Charge for Connection to Sewer System

The Administrative Head shall establish and collect a fee from any user at the time such user connects his property to the sewer system. Such fee shall be reasonably related to the actual expenses incurred by Orange County Division of Environmental Facilities and Services in supervising and inspecting the connection.

Section 13.23 Sewer Rent Fund

Revenue derived from sewer rents, including interest and connection charges shall be credited to a special fund, to be known as the "sewer rent fund" and moneys in such fund shall be used as provided by law.

ARTICLE XIV **PUBLIC DISCLOSURE OF OPERATIONS**

Section 14.1 Plant Operations Open to the Public

It shall be the policy of Orange County to conduct all business with full disclosure to the public.

Section 14.2 Procedural Requirements Available

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Sewer Use Law and for requesting a hearing shall be formulated by Orange County and be made available to any resident of Orange County upon request.

Section 14.3 Validity Through Public Inspection

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

ARTICLE XV **CONFLICTS, SEVERABILITY AND EFFECTIVE DATE**

Section 15.1 Conflicts

The provisions of any local law in conflict with any provision of this Sewer Use Law are hereby repealed.

Section 15.2 Severability

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

Section 15.3 Effective Date

The Sewer Use Law shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Local Law No. 7 of 2006 was passed August 3, 2006 by the following roll call vote:

Ayes: 17
Noes: 4
Absent: 0

Approved by the County Executive: August 25, 2006

Effective: September 5, 2006