

TOWN OF DUNKIRK, NEW YORK

LOCAL LAW NO. ONE OF THE YEAR 1981

A Local Law entitled "Sewer Use Law", Town of Dunkirk, New York.

Be it enacted by the Town Board of the Town of Dunkirk as follows:

ARTICLE I - PURPOSE

Section 100 - PURPOSE

The purpose of this Law is to provide for the use of the Town owned sewage facilities by residences, businesses, institutions and industries located in the Town of Dunkirk without impairment of the normal function of collecting, treating and discharging sewage from the area served, and to help insure that all discharges by the City of Dunkirk and Village of Fredonia sewage treatment plants are in compliance with its permitted discharge permit under the applicable laws of the United States and the State of New York, and the rules, regulations and orders of their regulatory agencies.

ARTICLE II - DEFINITIONS

Section 200 - TERMS DEFINED

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

a. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

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

beginning five (5) feet outside the inner face of the building wall.

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

d. "Chlorine Demand", expressed in milligrams per liter, shall mean the difference between the amount of chlorine added to wastewater and the amount of free residual chlorine remaining at the end of a specified contact period.

e. "Town" shall mean the Town of Dunkirk, New York.

f. "COD" (denoting Chemical Oxygen Demand) shall mean the amount of oxygen required for the complete chemical oxidation of organics and oxidizable inorganics in a liquid.

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

h. "Commercial Collector" shall mean any person, partnership, or corporation regularly engaged in the business of collecting for profit, sewage or other discharge for deposit at the sewage treatment facility.

i. "Cooling Water" shall mean the non-contact water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD or SS, each in excess of ten parts per million (ppm) by weight, or deleterious substances, as limited in Article VII, Section 750 of this local law.

j. "DEC" or "NYDEC" shall mean the New York State Department of Environmental Conservation.

k. "Inspector" shall mean the Town Building Inspector of the Town of Dunkirk, New York, or his authorized representative.

other building designed or used for human habitation by one family and providing complete housekeeping facilities therefor. For the purpose of this chapter, "family" shall mean one person or two (2) or more persons related by blood or marriage, or not more than four (4) unrelated persons occupying a dwelling unit and living together as a single housekeeping unit; and "complete housekeeping facilities" shall include, but not be limited to or by, separate kitchen and bathroom facilities. The equivalent annual water consumption for a dwelling unit is 70,000 gallons.

m. "Effluent" shall mean wastewater after some degree of treatment flowing out of any treatment device or facilities.

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

o. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

p. "Industry" shall mean any establishment which uses water in a product or generates a wastewater during the manufacturing of a product or the rendering of a service where such service results in the creation of a wastewater which differs substantially in character from normal domestic sewage.

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

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

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

t. "Pollutants" shall mean or may be so defined now or hereafter by appropriate local, state or federal authorities or by the Commissioner as substances which may be present in wastewater, whether gaseous, liquid or solid. The amount of which may contain soluble or insoluble material of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease or floating solids which may cause unsightly appearance on the surface of such waters, or contain materials detrimental to aquatic life.

u. "Premises" shall mean any parcel of real property including land, improvements or appurtenances, such as buildings, grounds, etc.

v. "Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the sewage works.

w. "Pretreatment Standards" shall mean those pretreatment standards issued by the Environmental Protection Agency (EPA).

x. "Private Living Quarters" shall mean any building or part thereof which may legally be used for human habitation which does not provide complete separate housekeeping facilities therefor.

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

z. "Publicly Owned Treatment Works (POTW)" shall mean a works as defined by Section 212 of the Federal Clean Water Act (33 USC1292). It includes any sewers that convey wastewater to the POTW but does not include pipes, sewers or other conveyances not connected to the facility providing treatment.

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

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

cc. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

dd. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

ee. "Sewage Works" shall mean all facilities for collecting pumping, treating, and disposing of sewage.

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

gg. "Shall" is mandatory; "May" is permissive.

hh. "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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

ii. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carried storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

jj. "SS" (denoting suspended solids) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

kk. "Sewer District" - A legal entity created by the Town Board of the Town of Dunkirk which constitutes a particular area of the town serviced by a specific sewer system.

ll. "Toxic Substances" shall mean any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant, pose a hazard to men working in the sewer system or constitute a hazard to fish or animal life.

mm. "USEPA" or "EPA" shall mean the United States Environmental Protection Agency.

nn. "Wastewater" shall mean the water-carried domestic, human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration, industrial and commercial wastes as may be present.

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

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

Section 300 - UNSANITARY DEPOSITS ON PUBLIC OR PRIVATE PROPERTY

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

Section 310 - PROHIBITED DISCHARGES INTO NATURAL WATERS

It shall be unlawful to discharge to any natural outlet within the Town of Dunkirk, or in any area under the jurisdiction

of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this local law.

Section 320 - SEPTIC TANKS AND CESSPOOLS

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

Section 330 - CONNECTIONS WITH AVAILABLE SEWERS REQUIRED

A. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line.

B. At such time as a connection has been made to public sewer, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable inert material within eighteen (18) months of the connection.

ARTICLE IV

PRIVATE SEWAGE DISPOSAL

Section 400 - CONNECTION TO PRIVATE SYSTEM WHERE PUBLIC SEWER IS NOT AVAILABLE

Where a public sanitary or combined sewer is not available under the provisions of Article III, the building sewer shall be

connected to an approved private sewage disposal system complying with the provisions of this article and the Sanitary Code of the Chautauqua County Health District.

SECTION 410 - WRITTEN PERMIT REQUIRED FOR CONSTRUCTION OF PRIVATE SYSTEM.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the Chautauqua County Health Department. The application for such permit shall be made on a form furnished by the Chautauqua County Health Department, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Chautauqua County Health Department.

SECTION 420 - PERMIT NOT EFFECTIVE UNTIL INSTALLATION COMPLETED TO SATISFACTION OF CHAUTAUQUA COUNTY HEALTH DEPARTMENT.

A Town permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Chautauqua County Health Department. They shall be allowed to inspect the work at any stage of construction and, in event, the applicant for the permit shall notify the Chautauqua County Health Department when the work is ready for final inspection, and before any underground portions are covered.

SECTION 430 - SYSTEM SHALL COMPLY WITH STATE HEALTH DEPARTMENT REQUIREMENTS.

The type, capacities, location and layout of a private sewage disposal system shall comply with Chautauqua County and/or State requirements.

SECTION 440 - AS PUBLIC SEWERS BECOME AVAILABLE, CONNECTIONS TO SAME SHALL BE MADE.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, hereof, a direct connection shall be made to the public sewer in compliance with this local law, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with bank run gravel or dirt or other material.

SECTION 450 - OWNER SHALL OPERATE AND MAINTAIN SYSTEM IN SANITARY MANNER.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

SECTION 460 - THIS ARTICLE SHALL NOT INTERFERE WITH ANY REQUIREMENTS IMPOSED BY CHAUTAUQUA COUNTY HEALTH DEPARTMENT.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Department of Chautauqua County.

ARTICLE V

BUILDING SEWERS AND CONNECTIONS

SECTION 500 - PLUMBING PERMIT REQUIRED.

(a) No building permit for any building construction or improvement involving any plumbing or connection to the sewage works shall be issued unless a plumbing permit has been issued by the Inspector which provides for connection to the sewage works or to a private disposal system approved by the Chautauqua County Health Department pursuant to Article IV, Section 410 hereof.

(b) No person shall lay, alter or repair any private sewer or make any connection whatever with any sewage works or do any

kind of work connected with the laying of private sewers or make any repairs, additions to or alternations of any drain or sewer designed to be connected with the sewage works without first having obtained a written permit from the Inspector. If said work involves a Private Sewage Disposal System, said work shall also comply with Article III hereof.

ARTICLE VI

PROHIBITED SEWER USES

Section 600 - DISCHARGE

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 610 - PERMITS REQUIRED.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer, combined sewer, or natural outlet, only upon approval of the Inspector and then only by a discharger who possesses a valid discharge permit issued by the NYDEC and/or the USEPA.

Section 620 - PROHIBITED DISCHARGE

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

(a) Any gasoline, benzine, naphtha, fuel oil, used lubricating oil, or other flammable or explosive liquid, solid or gas, or any residues from the storage, refining or processing thereof.

(b) Solid or viscous substances in quantities or of such

size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(c) Any liquid or vapor having a temperature higher than 150°F (65°C).

(d) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

(e) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor or three-fourths (3/4) horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the Inspector.

Section 630 - INTERCEPTORS

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Grease interceptors of a type and capacity approved by the Inspector shall be required for all businesses engaging in food processing.

ARTICLE VII

INDUSTRIAL USE OF PUBLIC SEWERS

Section 700 - PERMITS REQUIRED FOR DISCHARGE

On or after the date of the adoption of this Local Law, any discharge or industrial wastes to the public sewer system shall be unlawful, unless specifically authorized by a sewer use permit issued by the Inspector.

Section 710 - SEWER USE PERMITS

(a) Sanitary sewer use permits shall be issued by the Inspector authorizing the discharge of industrial wastewaters to the sanitary sewer system. The permits shall be specific in terms of the quantity of flow to be discharged and the contaminants contained therein.

(b) Storm sewer use permits shall be issued by the Inspector to industries utilizing public storm sewers as a means of conveying treated uncontaminated cooling water not in excess of 150°F (65°C) receiving waters.

(c) No sewer use permit is required for industries discharging only normal sanitary sewage from facilities such as toilets, urinals, sinks, showers, etc., and for that portion of each industry's flow which is comprised of strictly domestic sewage.

Section 720 - DURATION OF PERMITS

Both sanitary and storm sewer use permits shall be issued for a specified period of time not to exceed two years from date of issue. If the user is not notified prior to sixty (60) days of the expiration date of the permit, said permit shall automatically be extended one additional year.

Section 730 - TRANSFER OF A PERMIT PROHIBITED

Wastewater discharge permits are issued to a specific user

for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, user, different premises or a new or changed operation.

Section 740 - REVOCATION OF PERMIT

Any user who violates any conditions of his permit or of this local law, or of any applicable state and federal regulations, is subject to having his permit revoked.

Section 750 - APPLICATIONS FOR SEWER USE PERMITS

(a) All industries presently discharging industrial wastes to the public sewer system shall submit a proper application to the Inspector within 60 days from the adoption of this local law using forms provided by the Inspector.

(b) Industries presently discharging process wastes to the sanitary sewer systems shall submit with the application form the following general information:

(1) A brief description of the process or processes employed in the facility and data concerning the maximum daily production and the maximum daily consumption of raw materials;

(2) A material balance flowsheet showing the sources, treatment and distribution of raw water and the sources, volumes and proposed disposition of the generated wastewaters;

(3) A recent analysis of the composite process wastewaters performed by a qualified chemist.

(c) Industries presently discharging uncontaminated cooling waters to the storm sewer system shall immediately apply to the Inspector for a permit.

(d) Any facility which, after the effective date of this local law, plans a new discharge of industrial wastes to the public sewer system, or plans to significantly alter either the quantity or quality of its existing discharge, shall file a

proper application form with the Inspector. Such application shall be accompanied by the Engineering Report which contains, as a minimum, the following information:

(1) A brief description of the manufacturing process or processes to be included in the plant or plant expansion and the number of employees anticipated;

(2) A schematic diagram showing all sources and volumes of water utilized and all sources and volumes of wastewater generated, along with their planned disposition;

(3) A tabulation of the chemical characteristics of the planned wastewater discharge to the public sewer system;

(4) Data concerning the planned maximum daily production and maximum daily consumption of raw materials. Such application and Engineering Report shall be submitted at the earliest practicable date prior to the date on which the actual discharge to the public sewer system is scheduled to commence.

Section 760 - LIMITATIONS ON PERMIT ISSUANCE

(a) No sanitary use permit shall be issued at any time for the discharge of uncontaminated wastewaters and/or cooling waters to the sanitary sewer system where there is ample evidence that such wastewaters could be discharged directly to the storm sewers and/or receiving stream without further treatment.

(b) No storm sewer use permit shall be issued, at any time, for a discharge to the storm sewer system of treated industrial effluents.

(c) No sanitary sewer use permit shall be issued at any time permitting the discharge or infiltration into the public sewers of any of the following:

(1) Any liquid or vapor having a temperature higher than 150° F (65° C); Any liquid or vapor having a temperature

higher than 150° F (65° C) or in such quantities that the temperature at the treatment works influent exceeds 104° F (40° C).

(2) Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of 50 mg/liter of solvent soluble materials or containing substances which may solidify or become viscous at temperatures below 150° F (65° C);

(3) Any water or wastes that contain more than two (2) parts per million by weight of the following gases:

hydrogen sulfide
sulfur dioxide
oxides of nitrogen

(4) Any residues from petroleum storage, refining or processing, fuel or lubrication oil, gasoline, naphtha, benzens, explosive or inflammable liquids, solids or gases;

(5) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers such as, but not limited to, mud, straw, metal, rags, glass, tar, plastics, wood and shavings;

(6) Any solid or viscous substances in quantities or of such size capable of causing an interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, feathers, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

(7) Any garbage that has not been properly shredded.

(8) Any liquid having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(9) Any liquid containing the discharge of acidic pickling wastes, or concentrated plating solutions, whether

neutralized or not;

(10) Any liquid containing suspended solids of such character and quantity so as to be retained on a screen having no opening larger than 0.016 inches;

(11) Any materials which exerts or causes:

(a) 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 sulfate).

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

(c) Unusual BOD, SS, chlorine requirements or COD in such quantities as to constitute a significant load on the sewage treatment works. Usual concentrations for these constituents shall normally be construed to fall within the range as follows: BOD-150 to 250 mg/l; suspended solids 150-300 mg/l; Chlorine demand - 5 to 15 mg/l; COD - 350-750 mg/l.

(d) Any unusual concentration or flow of any given constituent which for any period of duration longer than fifteen (15) minutes exceeds more than five (5) times the average twenty-four (24) hour concentrations or flow rates during normal operation.

(12) Any liquid containing any radioactive material, pesticide, herbicide or chlorinated hydrocarbon.

(13) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(14) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scums, to be unsuitable for reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

(d) No sanitary sewer use permit shall be issued at any time allowing the discharge of industrial process wastewaters to the sanitary sewer system when any of the pollutant characteristics exceed the following allowable limits:

<u>PARAMETER</u>	<u>EFFLUENT CONCENTRATION LIMIT</u> (mg/l)
	<u>Effluent Limiting</u>
Cadmium	0.4
Hex. Chromium	0.2
Total Chromium	4.0
Copper	0.8
Lead	0.2
Mercury	0.2
Nickel	4.0
Zinc	1.2
Arsenic	0.2
Available Chlorine	50.0
Cyanide-free	0.4
Cyanide-complex	1.6
Selenium	0.2
Sulfide	6.0
Barium	4.0
Manganese	4.0
Gold	0.2
Silver	0.2
Fluorides-to fresh water	4.0*
to saline water	36.0
Phenol	4.0

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

Section 770 - FEDERAL PRETREATMENT STANDARDS

(a) All pretreatment standards issued by EPA to industries in specific Standard Industrial Classification (SIC) categories shall have the same force of law as the local sewer law.

(b) No sewer use permit shall be issued for any discharge which does not conform to the requirements of any specific EPA pretreatment standard, providing that such standard has been in effect at least eighteen (18) months prior to the effective date of the requested permit.

In those cases where EPA pretreatment standards are issued either (1) after a sewer use permit is granted for an existing discharge or (2) less than eighteen (18) months prior to the requested effective date of a new sewer use permit, the applicant shall be granted an interim sewer use permit which will become null and void eighteen (18) months from the date of the published pretreatment standard. If, by the expiration of the interim sewer use permit, the discharge does not comply with the published pretreatment standard, no additional sewer use permit will be issued and the continued discharge of wastes shall become unlawful.

Section 780 - LOCAL PRETREATMENT OPTION

(a) Waters or wastes having any of the characteristics which exceed any of the limitations established in Applications for Sewer Use Permits shall be subject to review by the Inspector.

(b) After giving consideration to such factors as the quantity of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the sewage treatment plant, the degree of treatability of the wastes in the sewage treatment plant, relevant Federal and State rules, regulations and guidelines and other pertinent factors, the

Inspector may:

(1) Require pretreatment to an acceptable condition for discharge to the public sewers prior to the issuance of a permit;

(2) Require control over the quantities and rates of discharge as a condition of the permit;

(3) Require sufficient payment under the terms of a special agreement or arrangement between the town and any industrial concern to cover the town's added cost of accepting handling and treating the wastes as a condition of the permit. Any such agreement or arrangement shall be subject to any requirements or necessary approval of NYDEC and USEPA.

(4) Reject or refuse to accept the discharge.

(5) Take such other remedial actions as may be deemed to be desirable or necessary to achieve the purpose of this Section.'

(c) Where pretreatment and/or equalization are required, plans, specifications, design and installation of plant equipment for such equalization and/or pretreatment facilities shall be subject to the review and approval of the Inspector and subject to all applicable codes, ordinances and laws. Approval shall in no way exempt the discharge of such facilities from complying with this Section on the rules, regulations and orders of the USEPA and NYDEC. Such pretreatment facilities when constructed shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. The owner, subsequent to the commencement of operations of any pretreatment facilities, shall make periodic reports to the Inspector setting forth therein data upon which he may determine the effectiveness and adequacy of such installation in reducing the concentrations to

acceptable limits. Any approval by the Inspector of a type, kind or capacity of an installation shall not relieve the owner of the responsibility of revamping, enlarging or otherwise modifying an installation to accomplish its intended purpose to the degree necessary to comply with any and all rules and regulations.

Section 790 - FACILITIES FOR SAMPLING AND FLOW MEASUREMENT
REQUIRED

(a) The Inspector shall at least once per year sample each significant industrial discharge and measure the volume of flow. The data collected shall be used in the calculation of sewer use charges and to determine compliance with these regulations.

(b) Samples shall be taken and flow measurements made, whenever economically and technically feasible, at a common manhole into which all industrial wastes from such premise are combined. Such manhole shall be constructed by the owner of such premises, at the owners expense, prior to the issuance of any sewer use permit under Article VII of this Local Law. Such manhole shall be maintained by the owner so as to be safe and accessible at all times. Whenever the installation of such common manhole is deemed by the owner to be economically and/or technically infeasible, the owner shall accept the burden of preparing and presenting to the Inspector an alternative plan whereby the Town may obtain that information, (flow and analytical data) which the Town deems necessary to the successful operation of their industrial wastewater monitoring program.

(c) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Local Law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and

Wastewater", published by the American Public Health Assoc. or "Methods for Chemical Analysis of Water and Waste", published by USEPA, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of any hazards.

ARTICLE VIII

PROTECTION FROM DAMAGE

Section 800 - ARREST

No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.. Any person violating this provision shall be subject to immediate arrest.

ARTICLE IX

POWERS AND AUTHORITY OF INSPECTORS

Section 900 - ENTERING COMPANY PREMISES FOR INSPECTION.

The Inspector and other duly authorized employees of the Town bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Local Law. The Inspector or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 910 - SAFETY RULES

While performing the necessary work on private properties

referred to in Article IX, Section 900, the Inspector or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VII.

Section 920 - ENTERING PRIVATE PREMISES

The Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town is authorized to enter upon by a valid permit, negotiated easement, consent of the affected property owner or where an emergency situation requires, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said property. All entry and subsequent work, if any, on said property shall be done in full accordance with the terms of any authorization pertaining to the private property involved.

Section 930 - USEPA AND NYDEC AUTHORIZED PERSONNEL

Subject to the provisions of Sections entitled, Duration of Permits, Safety Rules and Entering Private Premises, authorized employees of the EPA and DEC shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing.

ARTICLE X

ADMINISTRATION & ENFORCEMENT

Section 1000 - ENFORCING OFFICER

The Inspector or his designated agent shall be the chief enforcing officer of this Section.

Section 1100 - WRITTEN NOTICE

Any person or corporation found to be violating any provision of this Local Law, except Article VIII, shall be served by the Inspector with written notice stating the nature of the violation and ordering correction thereof within a reasonable time limit specified therein. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1200 - PENALTIES

(a) Any natural person who shall continue any violation beyond the time limit provided for in Article X, Section 1100, shall be guilty of a violation, and upon conviction thereof shall be fined in the amount not exceeding five hundred (\$500.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(b) Any corporation who shall continue any violation beyond the time limit provided for in Article X, Section 1100, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in the amount not exceeding five thousand (\$5,000) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 1300 - IDENTIFICATION TO TOWN

Any person or corporation so violating any provision of this Local Law or any order issued hereunder, thus causing the concurrent violation of any Federal or State rule, regulation

or statute for which the Town shall become liable to penalty shall be liable to the Town for any monetary penalty so incurred.

Section 1400 - SHOW CAUSE HEARING

(a) In addition to the provisions listed above and in no way limiting their application, the Inspector may order any offender of a provision of this Local Law to appear before the Inspector or his designated representative to show cause why such offense should not be discontinued. A written notice shall be served upon the offending party, specifying the time and place of said hearing and directing the offending party to show cause why an order should not be issued directing the discontinuance of the offense. The notice shall be served personally or by Certified or Registered mail at least five (5) days prior to the date of hearing; service may be made on any agent or officer of a corporation.

(b) The Inspector shall request the Town Attorney or his designated representative to be present at such show cause hearings.

(c) Witnesses may be called by either party to such an action.

(d) A record shall be made of all testimony and evidence presented at the hearing. A transcript of the proceeding shall be made.

(e) The officer presiding at the hearing shall render his decision and findings of fact, based on the evidence, and issue an appropriate order in accordance therewith within a reasonable period of time.

Section 1500 - VIOLATION OF ORDER OF DIRECTOR

Violation of an order pursuant to Article X shall subject the offending party, if convicted, to the penalties provided in

the Section entitled PENALTIES.

Section 1600 - INJUNCTION

In addition to any other penalties provided in this Local Law, the Inspector acting through the Town Attorney, may apply to the appropriate court for the issuance of an injunction restraining the offending party from continuing to violate the Local Law or from failing to comply with a duly issued order thereunder.

ARTICLE XI

VALIDITY

Section 2000 - CONFLICT WITH THE ORDINANCE AND LOCAL LAW

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

Section 2100 - SEVERABILITY

The invalidity of any section, clause, sentence, or provisions of this Local Law as finally determined by a court of competent jurisdiction, shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

ARTICLE XII

LOCAL LAW IN FORCE

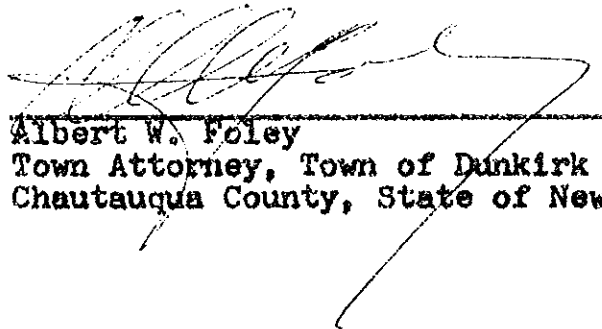
Section 3000 - EFFECTIVE DATE

This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

TO THE TOWN BOARD OF THE TOWN OF DUNKIRK
COUNTY OF CHAUTAUQUA, STATE OF NEW YORK

I, the undersigned Town Attorney, Town of Dunkirk, State of New York, do hereby certify that Local Law No. 1 of the year 1981 contains the correct text as adopted by the Town Board of the Town of Dunkirk on the 14th day of July, 1981, and that all proper proceedings have been had or taken care of for the enactment of this Local Law.

Dated: July 20, 1981.


Albert W. Foley
Town Attorney, Town of Dunkirk
Chautauqua County, State of New York.