

Town of Riverhead, NY
Tuesday, November 19, 2019

Chapter 265. Sewers

Part 4. Calverton Sewer District

[Adopted 11-21-2000 by L.L. No. 12-2000 (Ch. 89 of the 1976 Code)]

Article IX. Title and Purpose

§ 265-51. Short title.

For brevity and ease of communication, this Part 4 may be cited as the "Calverton Sewer District Sewer Use Ordinance."

§ 265-52. General purpose.

The general purpose of this Part 4 is to provide for efficient, economic, environmentally safe and legal operation of the Calverton Sewer District Sewage Treatment Plant (STP), as it is so defined herein.

§ 265-53. Specific purposes.

The specific purposes of this Part 4 are the following:

- A. To prevent the introduction of substances into the STP that will:
 - (1) Interfere with the operation and maintenance in any way.
 - (2) Pass through the STP to the state's surface waters or groundwaters and cause contravention of standards for those waters or cause violation of the plant's SPDES permit.
 - (3) Increase the cost or otherwise hamper the disposal of STP sludge and/or residuals.
 - (4) Endanger municipal employees.
 - (5) Cause air pollution or surface water and/or groundwater pollution, directly or indirectly.
 - (6) Cause, directly or indirectly, any public nuisance condition.
- B. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- C. To assure that new service connections are properly constructed.
- D. To provide for equitable distribution to all users of the STP of all costs, associated with sewage conveyance, treatment and sludge disposal, and to provide for the collection of such costs.

Article X. Definitions and Abbreviations

§ 265-54. Definitions; word usage.

- A. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 4, shall have the meanings hereinafter designated.
- B. Word usage. 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. The word "shall" is mandatory, while the word "may" is permissive.

ABNORMAL SEWAGE

Sewage whose concentration of one or more characteristics exceeds the characteristics of normal sewage.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

The latest edition of any ASTM specification, when stipulated in this Part 4.

APPLICANT

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

APPROVED LABORATORY PROCEDURE

The procedures defined as "standard methods" in this article, or other procedures approved by the Superintendent, for flow measurement or determination of the concentration of pollutants or their surrogates in waters, wastewaters and/or sludges.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDER

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

BUILDING SEWER

Any sewer or part thereof connecting, or installed for future connection of, a public or private building with the district sewer and extending from the district sewer to a point within five feet of the building or house foundation wall. This is also known as a "service connection."

CATEGORICAL STANDARDS

National Categorical Pretreatment Standards or pretreatment standards, as amended periodically.

CHEMICAL OXYGEN DEMAND (COD)

The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

CHLORINE DEMAND

The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

CLASSES OF USERS

The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, recreational, industrial or governmental.

COLLECTION SEWER, PUBLIC SEWER or SANITARY SEWER

A sewer whose primary purpose is to collect wastewaters from individual discharge sources.

COLOR

The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

COMMERCIAL USER

For the purpose of the user charge system, a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

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.

CONTROL AUTHORITY

The term shall refer to the Town Board of the Town of Riverhead.

CONTROL MANHOLE

An accessible manhole such that samples collected from the manhole represent the discharge to the STP.

CONVENTIONAL POLLUTANT

A pollutant that the STP was designed to treat, defined in accordance with this Part 4.

COOLING WATER

The water discharged from any system of condensation, air conditioning, refrigeration or other sources. It shall contain no polluting substances which will produce COD or suspended solids in excess of five milligrams per liter, or toxic substances, as limited elsewhere in this Part 4.

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.

DISSOLVED SOLIDS

That concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less and both organic and inorganic molecules and ions present in solution.

DISTRICT

The Calverton Sewer District, Town of Riverhead, Suffolk County, New York, as administered by the Town Board, Town of Riverhead, Suffolk County, New York.

DRAIN LAYER

An individual licensed as such by the Town of Riverhead and approved by the Town Board (same as "plumber").

DRY SEWERS

The sanitary sewer installed in anticipation of future connection to the STP, but which is not used in the meantime, for transport of sanitary sewage.

EASEMENT

An acquired legal right, less than fee simple, for the specific use of land owned by others.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules and regulations.

EXTENSION

Attachment of a sewer line, with more than one user, to an existing sewer line.

FECAL COLIFORM

Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

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.

FORCE MAIN

A pipe in which wastewater is carried under pressure.

GARBAGE

The solid wastes from the preparation, cooking and dispensing of food, from the handling, storage and sale of produce and from the packaging and canning of food.

GRAB SAMPLE

A single sample of wastewater representing the physical, chemical and biological characteristics of the wastewater at one point and time.

INDUSTRIAL

Meaning or pertaining to industry and manufacturing and is distinguished from domestic, residential or commercial.

INDUSTRIAL WASTES

The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes.

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.

INFILTRATION/INFLOW

The total quantity of water from both infiltration and inflow without distinguishing the source.

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, stormwaters, foundation drains, swimming pools,

surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

INSPECTOR

The authorized representative of the district designated by the Superintendent to inspect all work; repairs installations performed under these rules and regulations.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 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 402 of the Clean Water Act or "Act" (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD

Any regulation developed under the authority of § 307(b) of the Act and 40 CFR 403.5.

NUISANCE

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

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.

OPERATION AND MAINTENANCE COSTS

Includes all costs, direct or indirect, inclusive of expenditures attributable to administration, replacement of equipment and treatment and collection of wastewater, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management, but not including debt service.

OTHER WASTES

Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

PASS-THROUGH

The discharge which exits the Calverton Sewer District STP into waters of the state in quantities which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the sewage treatment plant's SPDES permit.

PERMIT

A temporary revocable written document allowing use of the STP for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this Part 4.

PERSON

Any individual, public or private corporation, political subdivision, federal, state, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

pH

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

PRETREATMENT or TREATMENT

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 the STP. The reduction or alteration can be achieved by physical, chemical or biological process, process changes or by other means, except as prohibited by the Town Board.

PRETREATMENT REQUIREMENTS

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

PRETREATMENT STANDARD or NATIONAL PRETREATMENT STANDARD

Any categorical standard or prohibitive discharge standard.

PRIORITY POLLUTANTS

The most recently revised or updated list, developed by the EPA.

RECORDS

Shall include, but not be limited to, any printed, typewritten, handwritten or otherwise recorded matter of whatever character (including paper or electronic media), including but not limited to letters, files, memoranda, directives, notes and notebooks, correspondence, descriptions, telephone call slips, photographs, permits, applications, reports, compilations, films, graphs and inspection reports. For the purposes of this Part 4, "records" shall mean records of and relating to waste generation, reuse and disposal, and shall include records of usage of raw materials.

RECREATIONAL USER

A discharger to the STP who discharges domestic-type wastewater.

ROOF DRAIN

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

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. 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 all local and state requirements.

SEWAGE, DOMESTIC or DOMESTIC WASTES

Liquid wastes from the noncommercial 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.

SEWAGE, NORMAL

(1) Sewage, industrial wastes or other wastes, which show, by analysis, the following characteristics:

(a) **BOD (five-day)**

2,090 pounds per million gallons (250 milligrams per liter), or less.

- (b) Suspended solids — 2,500 pounds per million gallons (300 milligrams per liter), or less.
 - (c) Phosphorus — 125 pounds per million gallons (15 milligrams per liter), or less.
 - (d) Ammonia — 250 pounds per million gallons (30 milligrams per liter), or less.
 - (e) Total Kjeldahl nitrogen — 417 pounds per million (50 milligrams per liter), or less.
 - (f) Chlorine demand — 209 pounds per million gallons (25 milligrams per liter), or less.
 - (g) Chemical oxygen demand — 2,920 pounds per million gallons (350 milligrams per liter), or less.
 - (h) Oil and grease — 830 pounds per million gallons (100 milligrams per liter), or less.
- (2) In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

SEWAGE or WASTEWATER

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, and such groundwater, surface water and stormwater as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered sewage within the meaning of this definition.

SEWAGE TREATMENT PLANT, WATER POLLUTION CONTROL PLANT or ADVANCED WASTEWATER TREATMENT FACILITY

Any arrangement of devices and structures 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

A pipe or conduit for carrying or transporting sewage.

SEWER DISTRICT

The legally defined bounds of real property from which wastewater may be discharged into the STP. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined or consolidated by action of the Town Board of the Town of Riverhead.

SEWER, SANITARY

A sewer, which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

SEWER, STORM or STORM DRAIN

A sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

SIGNIFICANT NONCOMPLIANCE (SNC)

A user is in significant noncompliance if its violation(s) meet(s) one or more of the following criteria:

- (1) Any violation of a pretreatment effluent limit (daily maximum or long-term average) that the Superintendent determines has caused, alone or in combination with other

discharges, interference or pass-through (including endangering the health of sewer district personnel and operators or the general public).

- (2) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under of this Part 4.
- (3) Failure to report accurately any noncompliance.
- (4) Any violation which the Superintendent determines will adversely affect the implementation or operation of the local pretreatment program.

SLUG

Any discharge which, in concentration of any constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal user operations shall constitute a slug.

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."

STATE

State of New York.

SUBSTANCES OF CONCERN

Those compounds which the New York State Department of Environmental Conservation, the Suffolk County Department of Health Services or the Town Board of the Town of Riverhead has determined may be harmful to man or the environment.

SUPERINTENDENT

That individual nominated by the Town Board of the Town of Riverhead and confirmed by the Town Board of the Town of Riverhead as the Superintendent of the Calverton Sewer District. This definition shall also include his authorized deputy, agent or representative.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS)

The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

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 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.

TOWN

The Town of Riverhead, Suffolk County, New York.

TOXIC SUBSTANCES

Any substance, whether gaseous, liquid or solid, that, when discharged to the public sewer in sufficient quantities, may be hazardous to the STP operation and maintenance personnel, tends to interfere with any biological sewage treatment process or to constitute a hazard to recreation in the receiving waters; any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA Section 307(a)^[1] or other acts.

USER

Any person who contributes, causes, or permits the contribution of wastewater into the STP.

USER, SIGNIFICANT INDUSTRIAL (SIU)

An industrial user of the Calverton Sewer District as defined by the Town Board.

WASTEWATER

See "sewage."

WATERS OF THE STATE (STATE'S WATERS)

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

[1] *Editor's Note: See 33 U.S.C. § 1317(a).*

§ 265-55. Abbreviations.

The following abbreviations shall have the designated meanings:

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| 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 |
| EPA | Environmental Protection Agency |
| L | Liter |
| Mg | Milligram |
| 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 |
| OSHA | Occupational Safety and Health Administration |
| P | Total phosphorus |
| PSI | Pounds per square inch |
| PPM | Parts per million, weight basis |
| SCDH | Suffolk County Department of Health Services |
| SIC | Standard industrial classification |
| SPDES | State Pollutant Discharge Elimination System |
| SS | Suspended solids |

| | |
|--------|--|
| STP | Sewage treatment plant |
| SWDA | Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq. |
| TSS | Total suspended solids |
| U.S.C. | United State Code of Laws |
| USEPA | United State Environmental Protection Agency |

§ 265-56. 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 Town Board or the Superintendent.

Article XI. Use of Public Sewers

§ 265-57. General discharge prohibitions.

- A. 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 STP. The Superintendent may decide that wastes, in addition to those described below, can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or groundwater, as the case may be, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (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 STP, or to its operation. 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, oxylene, ethers, alcohols, carbides, hydrides and sulfides, and any other substance which the county, the state or the EPA has determined to be a fire hazard or hazard to the STP.
 - (2) Pollutants listed under Restricted Toxic or Hazardous Materials in Suffolk County Sanitary Code, Article 7.
 - (3) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes (including, heat), to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
 - (4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than 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, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass or stone-grinding or polishing wastes.

- (5) Any waters or wastes having a pH lower than 5.5 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (6) 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.
- (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 or vapor having a temperature higher than 150° F. (65° C.). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 150° F.
- (9) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F.
- (10) Wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (11) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent.
- (12) Unusual flow rate or concentration of wastes, constituting slugs.
- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable county, state or federal regulations.
- (14) 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.
- (15) Any wastewater with a closed-cup flashpoint of less than 140° F. or 90° C. using the test methods specified in 40 CFR 261.21.
- (16) Any pollutants which result in the presence of toxic gases, vapors or fumes within the STP in a quantity that may cause acute worker health and safety problems.
- (17) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (18) Materials which exert 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 sulfate.
- (19) Materials which exert or cause unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(20) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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.

- B. Dilution. Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process 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.
- C. No person shall deposit or permit to be deposited, in any unsanitary manner, on, or within the boundaries of, any public or private property within the district, or in any area under the jurisdiction of said district, any human or animal excrement, garbage or other objectionable waste.
- D. No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for stormwater.
- E. No person shall discharge sewage into a well.
- F. It shall be unlawful to discharge to any natural outlet, within the district, or in any area under the jurisdiction of the district, any wastewater or other polluted waters, except when suitable treatment has been provided in accordance with subsequent provisions of this Part 4.
- G. 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.
- H. No person shall discharge or cause to be discharged inflow sources, including stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters, to any sanitary sewer, as described in § 265-58 of this article.

§ 265-58. Inflow.

- A. New sources. 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, uncontaminated cooling water discharges or other sources of inflow.
- B. Existing inflow sources disconnected. All connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Superintendent.
- C. No reconnection of inflow source allowed. It shall be a willful violation of this Part 4 for any person to reconnect any inflow source which has been disconnected pursuant to this article.

§ 265-59. Connection with public sewer required.

- A. The owner(s) of all properties used for human occupancy, employment, recreation or other purposes, situated within the district and abutting on any street, alley or right-of-way in which there is now, or may be in the future, located a public sewer of the district, 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 Part 4, within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line. All expenses for said connection shall be paid for by the owner, including but not limited to, district expenses, engineering and construction costs. All sanitary facilities required to install the connections shall be designed by the consulting engineer for the district, as may be appointed by the Town Board.

- B. If the public sewer line is greater than 100 feet from a property line or the elevation of the property requires the installation of a pump station to transport the sewage to district lines, the requirement to connect may be waived if the district determines that it would cause an undue financial hardship to the property owner.
- C. Where the building is other than a single-family residence, or where the district determines that installation of a private sewage disposal system may create a health hazard and/or contaminate groundwater or surface water, the district may require connection of the building to the public sewer regardless of distance and/or topography.
- D. The district, on the recommendation of the Superintendent, shall have the authority to enter into agreements to accept sewage and other wastes, including pretreated industrial wastes, generated by or discharged from persons outside the service area of the district.
 - (1) If the person is a municipality, that municipality shall have enacted a sewer use law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Part 4.
 - (2) If the person is not a municipality, the acceptance shall be made only with the expressed written consent of the Superintendent (the issuance of a permit) setting forth the terms and conditions of such an acceptance.

§ 265-60. Private wastewater disposal.

- A. Where a public sewer is not available within the district, the building shall be connected to a private wastewater disposal system complying with the provisions of the rules and regulations of the SCDHS.
- B. No two separate permanent buildings, where the intended use for either is for a distinct and separate business or a dwelling place for a private family or families, shall be connected to the same individual septic tank and groundwater recharge system.
- C. A SCDHS completed application form shall submitted to the SCDHS pursuant to all applicable provisions of the Suffolk County Sanitary Code.

Article XII. New Sewers or Sewer Extensions

§ 265-61. Proper design.

New sanitary sewers and all extensions to sanitary sewers owned and operated by the district shall be designed by a New York State professional engineer selected by the Town Board of the Town of Riverhead, herein defined as the "District Engineer."

§ 265-62. New sewers subject to fees.

When a property owner, builder or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications and method of installation shall be designed by the District Engineer. Said property owner, builder or developer shall pay for the entire installation, including a proportionate share of the sewage treatment plant, intercepting and/or trunk sewers, pumping stations, force mains and all other expenses incidental thereto, including but not limited to all expenses necessary to publicly bid the construction work. Such expenses may include planning, design and construction engineering, soil borings, wetlands mapping and document printing. The Town Board shall from time to time adopt resolutions setting such fee.

§ 265-63. Drain layers.

A. Authorization of drain layers.

- (1) The Town Board of the Town of Riverhead will authorize plumbers and contractors or other persons as drain layers after such persons have presented to the Town Board satisfactory evidence that they are capable of laying house sewers in a workmanlike manner and in accordance with these rules and regulations. No one but an authorized drain layer will be allowed to make connections with the district sewers nor lay any house sewers in connection therewith. Any person authorized as a drain layer shall give personal attention to any work done under his permit and shall employ only competent persons to do the work.
- (2) No person, firm or corporation, except a duly bonded drain layer, shall carry on the business of drain laying in the Calverton Sewer District or be permitted to make any connection with the sewerage system.

B. Filing of irrevocable letter of credit; insurance.

- (1) An authorized drain layer shall file with the Town Clerk a proper and acceptable irrevocable letter of credit in the amount of \$5,000, which irrevocable letter of credit shall remain in full force and effect for at least one year from the date of the last work done by that particular drain layer.
- (2) The drain layer shall also file a certificate or certificates of a policy of public liability and property damage insurance with a solvent insurance company duly authorized to do business in the State of New York and approved by the Calverton Sewer District, in amounts not less than \$500,000 against claims arising out of any one accident resulting in bodily injury or the death of any one person and in amounts not less than \$1,000,000 against claims arising out of any one accident resulting in bodily injury or the death of more than one person, and the policies covering said liability insurance shall be extended by endorsement or rider to cover property damage liability to a limit per accident of at least \$100,000, all protecting the Calverton Sewer District, the Town of Riverhead and the drain layer against injuries or damage to persons, corporations or property caused by or resulting from the execution of the work or in consequence of any improper materials, implements, equipment or labor used therein or due to any act, omission or neglect of the drain layer or his employees herein.

C. Revocation of authority of drain layer. Whenever, in the opinion of the Superintendent, any drain layer violates any of the provisions of this Part 4, said Superintendent shall report the same in writing to the Town Board of the Town of Riverhead, and if the Town Board shall find, after reasonable notice and opportunity to be heard is given to the drain layer, that the charges are sustained, it may revoke the authority of such drain layer.

D. Renewal of authority of drain layer. No person, firm or corporation, once having been authorized to carry on the business of drain laying in the Calverton Sewer District, who shall have violated any of the provisions of these rules and regulations or shall have refused or neglected to make good, to the satisfaction of the Town Board, any defective or imperfect work, or shall have refused or neglected to pay any fees, fines or penalties imposed under the provisions of these rules and regulations, shall be eligible to receive any renewal of such authority until such default on his or its part has been removed.

E. Reports of obstructions, connections and disconnections.

- (1) Drain layers must report to the Superintendent, in writing, the full description, within 12 hours, of the finding by them of all obstructions in house drains or the presence therein, if found, of any substance prohibited by these regulations. Failure to so report will render the person, firm or corporation so offending liable to the penalty of a revocation or suspension of his or its authority. The finding of the presence of substances prohibited by these regulations in the

house drains of any house shall be prima facie evidence of an offense committed against these regulations by both the owner and occupant of the premises or either of them.

- (2) Drain layers must report to the Superintendent, in writing, within 24 hours after the completion of any work by them, every connection or disconnection made between any building and the sewer system aforesaid or between any house connection and said sewer system. Failure to so report will render the drain layer so offending liable to the penalty of revocation or suspension of his authority.

§ 265-64. Final acceptance.

All sanitary sewers and extensions to sanitary sewers constructed at the applicant's expense, after final approval and acceptance by the Superintendent, and concurrence by the Town Board, shall become the property of the Town and shall thereafter be operated and maintained by the Calverton Sewer District.

Article XIII. Building Laterals and Street Laterals

§ 265-65. Permit and notification for sewer connections.

- A. There shall be two classes of sewer connection permits:
 - (1) For commercial, recreational and institutional service.
 - (2) For service to establishments discharging pretreated industrial wastes.
- B. In either case, a permit application shall be submitted to the Superintendent. The permit application shall be supplemented by the following:
 - (1) The permit application shall be upon a blank form obtained from the Superintendent, shall be signed by the owner of the premises or his properly accredited agent and shall state the name of the drain layer who has been engaged by the owner to do the work.
 - (2) Plans and descriptions of the proposed work, signed by an authorized drain layer, shall be filed in triplicate in the office of the sewer district.
 - (3) A permit fee covering the installation of a house drain, as established by the Town Board, shall be paid to the sewer district and placed in the sewer district accounts, to be used to defray the cost of inspection and testing. A schedule of permit fees shall be established from time to time by the Town Board. A surcharge fee shall be paid by any potential industrial user to cover all engineering analysis related to pretreatment of industrial waste.
 - (4) Any other information considered pertinent, in the judgment of the Superintendent.
- C. Permit required.
 - (1) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent or under the inspection of the Superintendent or his duly authorized representative.
 - (2) No person shall construct any house sewer upon or from any premises in said Calverton Sewer District, or use or permit to be used any house sewer, without a permit from the Superintendent.

- D. **Nonliability of district/Town.** No applicant or person to whom a permit may be granted or issued, or his successors in interest, shall have the right to make any claim for damages against the Calverton Sewer District, the Town Board or their agents in consequence of a refusal to issue a permit or of the revocation of a permit, or of delay in acting on any application or of inspecting the making of any connection or because of the cutting off of a connection under the provisions of these regulations.
- E. **Connections to existing manholes** shall not be allowed unless approved by the Superintendent.
- F. **The Superintendent shall be notified at least 24 hours before the beginning of any work related to the installation of house sewers or connections.**
- G. **Additional permits.** No permit granted by the Superintendent shall be construed to permit any interference with or disturbance of any state, county, or Town highway pavement, as the case may be, in the Town of Riverhead, or any excavation in any road, street or public place, unless the permit shall expressly so provide. No permit shall be granted for such interference with or disturbance of said pavement or for the excavating for sewer purposes in any public street or public place unless the applicant or drain layer shall have first obtained from the state, county or Town Highway Department, as the case may be, a permit therefor in accordance with the requirements of the Highway Department having jurisdiction. Any permit fee, bonding or other expenses in connection with the issuance of a permit for opening any street or pavement shall be paid by the applicant or drain layer. No permit shall be deemed to authorize anything not stated in the application.

§ 265-66. Connection to street lateral.

- A. **The connection of the building connection to an existing street lateral shall be made at the property line.** Except as provided under Article XII, if a street lateral has not previously been provided, the street lateral shall be constructed from the existing public sewer to the property line, by a drain layer, at the owner's expense. The street lateral shall be installed with a properly sealed and covered cleanout to grade located at the property line. The cleanout shall terminate in a metal box imbedded in concrete.
- B. **The cost of constructing the street lateral from the existing public sewer to the property line shall be at the property owner's expense; all subsequent costs and expense incidental to the installation and connection of the building lateral shall also be borne by the owner.**
- C. **The property owner shall indemnify the district and the Town of Riverhead from any loss or damage that may directly or indirectly be occasioned by the installation of the building lateral.**
- D. **It shall be the responsibility of the property owner to maintain, repair or replace the building lateral, as needed.**
- E. **The method of connection of the building lateral to the street lateral will be dependent upon the type of sewer pipe material and, in all cases, shall be approved by the Superintendent.** After installation of the street lateral has been approved by the Superintendent, the new street lateral shall become the property of the district. Any subsequent repairs to the new street laterals shall be made by the district at the district's expense.
- F. **Street lateral replacement/ownership.** Any existing street lateral which, upon examination by the Superintendent, is determined to be in need of replacement will be replaced with a new street lateral with a property line cleanout. The replacement street lateral shall be constructed by a drain layer. The cost of constructing the replacement street lateral and cleanout shall be at the property owner's expense. Once the replacement street lateral and cleanout have been constructed and approved by the Superintendent, the new street lateral shall become the property of the district. Any repairs to new street laterals shall be made by the district at the district's expense.

- G. **Cleanout repair/replacement.** If, in the judgment of the Superintendent, it is determined that a building lateral, without a property line cleanout, needs repair or replacement, the district may install a cleanout at the property line, at the property owner's expense, such that the street lateral can be maintained independently of the building lateral.

§ 265-67. New and existing building laterals.

- A. A separate and independent building lateral (building sewer, house connection) shall be provided for every building requiring sanitary facilities. When, however, there is a building behind a front building, the second building may use the front building's building lateral, if there is no other way to provide sanitary service to the back building. The Superintendent of the Calverton Sewer District shall have the final decision regarding such a connection.
- B. New building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral. All costs associated with the relocation of any existing sewer pipe shall be borne by the person(s) requiring such relocation and only after said relocation has been studied and approved by the Town Board. If relocation is not physically possible, then the lateral shall be located exposed and totally encased in not less than 12 inches of 4,000 psi concrete or in a fashion designed by the District Engineer.
- C. All existing manholes in or under the basement shall be sealed airtight in a manner acceptable to the Superintendent. No new manholes shall be constructed on the portion of the lateral under the building.
- D. Laterals serving several buildings. When building laterals are to serve multiple structures, the building lateral shall be designed by the District Engineer.
- E. Using existing building laterals. Existing building laterals may be used in connection with new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this Part 4.

§ 265-68. Building sewer pipe materials.

Building sewer pipe materials shall be one of the following:

- A. Polyvinyl chloride (PVC) pipe and fittings conforming to ASTM Specification D-3034-73, "SDR-35 Polyvinyl Chloride (PVC) Sewer Pipe and Fittings." All pipe shall be suitable for gravity sewer service. Provisions shall be made for contraction and expansion at each joint with a rubber ring. The bell shall consist of an integral wall section stiffened with two PVC retainer rings which securely lock the solid cross-section ring into position. Minimum pipe stiffness (F/Y) at 5% deflection shall be 46 psi when tested in accordance with ASTM Specification D-2412.
- B. Tar-coated, service grade, cast-iron soil pipe conforming to ASTM Specification A-74, "Cast Iron Pipe and Fittings." All dimensions, weight and markings of the pipe shall conform to the requirements of ANSI, Designation A112.5.1, except spigot ends shall be "plain end," if gasket joints are used.
- C. Any part of the building or street lateral that is located within five feet of a water main or water service shall be constructed of cast-iron soil pipe. Cast-iron soil pipe may be required by the Superintendent where the building or street lateral is likely to be damaged by tree roots. *If installed on fill or unstable ground, the building or street lateral shall be of cast-iron soil pipe, although other pipe material may be permitted if such pipe is uniformly supported on a poured concrete cradle approved by the Superintendent.* The distance between consecutive joints, as measured along the center line of the installed pipe, shall not be less than 10 feet, except under abnormal circumstances, in which case this dimension may be diminished, if approved by the

Superintendent. The size and slope of building and street laterals shall be subject to approval by the Superintendent, but in no event shall the internal pipe diameter be less than four inches, nor shall the pipe slope be less than 1/4 inch per foot.

- D. Lateral sewers shall be separated from water mains and services as required by the Ten State Standards.

§ 265-69. Connection specifications.

- A. At the point of connection of a street lateral to a main sewer, a standard wye fitting and sufficient 1/8 (45°) bend fitting shall be used, when available. No lateral connection shall be made to the public sewer which permits the flow into the public sewer from the lateral to enter at right angles. All connections to public sewers shall be made under the direct supervision of the Superintendent.
- (1) If the public sanitary sewer is 12 inches in diameter or less and no properly located wye fitting is available, the owner shall, at his expense, install a wye fitting in the public sanitary sewer at the location specified by the Superintendent. The wye fitting shall be installed so that flow in the "arm" shall transition smoothly into the flow in the public sewer.
 - (2) Where the public sanitary sewer is greater than 12 inches in diameter and no properly located wye fitting is available, a neat hole may be cut into the public sanitary sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45°. A 45° ell fitting may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sanitary sewer.
- B. A smooth, neat, watertight joint shall be made. When a cut-in into a public sanitary sewer is necessary, the saddle shall be of the same material as the existing main or lateral. The only exception to this rule occurs when cutting into an existing asbestos-cement sanitary sewer. In this case, a cast-iron saddle may be used to make the building sewer connection. Concrete encasement of the connection assembly is required in such an instance. Special fittings may be used for the connection only after approval by the Superintendent.
- C. No street sewer, from the public sewer to the property line, shall be of a nominal diameter less than six inches. Inside the property line, the diameter of the pipe shall not be less than four inches if existing lines are used and not less than five inches for new lines. The inside diameter of the fittings shall be the same diameter as the lateral sewer inside diameter.
- D. The invert of the lateral sewer at the high point of the connection shall be at the same elevation as or higher than the invert of the public sanitary sewer. Where the public sewer is located at an unusual depth, the connection to the public sewer shall be made as required by the Superintendent.
- E. Whenever possible, the lateral sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged in the building sewer. The cost thereof shall be borne by the owner. The term "approved means" signifies that the owner has submitted plans for lifting the sewage to the Superintendent and has received written approval of such system. Only grinder-pump-type pumping systems shall be allowed.
- F. Minimum grade. No lateral sewer connection with the public sewer shall be laid at a grade of less than one inch fall in four feet without a written permit signed by the Superintendent specifying the minimum grade that will be permitted.
- G. Venting of sanitary sewer connections. No building will be permitted to make any connection whatsoever to the sanitary sewer system unless same soil line is extended to a point above the roof and properly vented or is otherwise vented in a manner approved by the Superintendent. A

trap and a fresh-air vent is required to be placed in the public sewer line whether within the dwelling or within five feet of the exterior wall of the dwelling. The construction of the trap and vent shall conform to the New York State Building Code.

- H. Cleanouts shall be installed on all lateral sewers so that the maximum distance between cleanouts is 75 feet. If the lateral sewer is less than 75 feet in length, no cleanout will be required. In those cases where the length of the lateral sewer is between 75 feet and 150 feet, the cleanout shall be installed at the midpoint of the sewer line. In addition, cleanouts will be required at all bends that equal or exceed 23°. Cleanouts shall be constructed using Campbell frame and cover No. 1735, or an approved equal. Cleanout frames shall be set in a concrete base, 36 inches by three inches by eight inches.
- I. Special manhole requirements.
 - (1) No connection shall be made to manholes unless specifically approved, in writing, by the Superintendent or as stated below.
 - (2) When any lateral sewer is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive wastewater or industrial wastes of such volume or character that frequent maintenance of said building or street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to Article XII and the lateral connection made thereto as directed by the Superintendent.

§ 265-70. Lateral location restrictions.

- A. Building laterals laid parallel to a bearing wall shall not be installed closer than three feet to such wall. The building lateral shall enter the basement through the basement wall no less than 12 inches above the basement floor. In no event shall any building lateral be placed below the basement floor, except with the expressed written approval of the Superintendent.
- B. The building lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Changes of direction of 90° or greater shall be made with a cleanout which extends to grade, terminating in a terminal box set in concrete. In building laterals, said cleanouts shall be provided such that the maximum distance between cleanouts is 75 feet. The ends of all building or street laterals, which are not connected to the interior plumbing of the building, for any reason, shall be sealed against infiltration by a suitable stopper, plug or by other approved means.
- C. The drain layer shall install house sewers such distance from the waterline as prescribed by the Ten State Standards, Riverhead Water District and/or the SCDHS.

§ 265-71. Building lateral pipe installation.

- A. All excavations required for the installation of a building lateral shall be open trench work unless otherwise approved by the Superintendent. Pipelaying and backfilling, regardless of pipe material used, shall be performed in general accordance with Paragraphs 3 through 6 of ASTM Specification C-12, except that trench width, measured at the top of the installed pipe, shall not exceed the outside pipe diameter plus 14 inches, and except that no backfill shall be placed until the work has been inspected by the Superintendent.
- B. All work of laying lateral sewers and connections shall be done in such a manner and at such times as to interfere as little as possible with public travel and convenience, and the drain layer

shall conduct his work as the Superintendent may from time to time direct.

- C. The size, slope, alignment, material or construction of a building sewer and the methods to be used in excavating and placing the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes and all applicable rules and regulations of Suffolk County and the Calverton Sewer District. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply. All excavations for building sewer installations shall be guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent of Highways and/or the Town Board.

§ 265-72. Joints.

- A. Cast-iron pipe poured joints. Poured joints for cast-iron pipe shall be firmly packed with oakum or hemp and the annulus filled with an approved compound not less than one inch deep. Said compound shall be run in with a single pouring, and caulked tight, if appropriate for the compound used. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast-iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Superintendent. If such joints are hot-poured, the material shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F., nor be soluble in any of the wastes carried by the lateral.
- B. Cast-iron push joints. Premolded gaskets may be used for hub and plain-end cast-iron pipe joints and joints with fittings, if approved by the Superintendent. The gasket shall be a neoprene compression-type unit which provides a positive seal in the assembled joint. The gasket shall be a premolded, one-piece unit, designed for joining the cast-iron hub and plain-end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, nontoxic material and shall not chemically attack the gasket material.
- C. PVC push joints. Joints for PVC sewer pipe shall follow the manufacturer's recommendations, using properly designed couplings and rubber gaskets pursuant to the published information relating thereto and conforming to the applicable ASTM specification identified in § 265-68A.

§ 265-73. Testing.

The building lateral shall be tested for infiltration/exfiltration by:

- A. Any full pipe method described in Article XIV; or
- B. By a suitable joint method, with the prior written approval of the Superintendent.

§ 265-74. Connection inspection.

The applicant for the building lateral permit shall notify the Superintendent when the building lateral is ready for inspection and connection is to be made to the street lateral. The connection shall be made under the supervision of the Superintendent.

§ 265-75. Trench inspections.

When trenches are excavated for the laying of building lateral pipes, such trenches shall be inspected by the Superintendent. Before the trenches are backfilled, the person performing such work shall notify the Superintendent when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from the Superintendent.

§ 265-76. Public safety provisions required; restoration of disturbed areas.

All excavations for constructing building laterals shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Superintendent.

§ 265-77. Interior cleanout.

An interior cleanout fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45° branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout diameter shall be no less than the building lateral diameter.

§ 265-78. Costs borne by owner.

All costs associated with the provisions of this article shall be borne by the property owner unless specifically stated or agreed to be a cost borne by the Town. The property owner shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals and connections and appurtenances.

Article XIV. Discharge Permits and Pretreatment Requirements

§ 265-79. Recourse of Superintendent.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in Article XI and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes.
 - (2) Require pretreatment to obtain compliance with Article 7 of the Suffolk County Sanitary Code limits.
 - (3) Require control over the quantities and rates of discharge.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and Suffolk County and subject to the requirements of all applicable codes, ordinances and laws.

§ 265-80. Wastewater discharge permits.

- A. As a means of determining compliance with this Part 4, with applicable SPDES permit conditions and with applicable county, state and federal law, each industrial user shall be required to notify the Superintendent of any new or existing discharges to the public sewer by submitting a completed industrial chemical survey (ICS) form and a completed industrial wastewater survey (IWS) form to the Superintendent. The Superintendent may require any user discharging wastewater into the public sewer to file wastewater discharge reports and to supplement such reports as the Superintendent deems necessary. All information shall be furnished by the user in complete cooperation with the Superintendent.
- B. Each industrial user shall comply with Article 7 of the Suffolk County Sanitary Code, applicable pretreatment standards and of other applicable requirements under Sections 204(b) and 405 of the Clean Water Act and Subtitles C and D of RCRA.^[1]
[1] *Editor's Note: See 33 U.S.C. §§ 1284(b) and 1345 and 42 U.S.C. § 6901 et seq.*
- C. All significant industrial users proposing to connect to or to discharge to the public sewer shall obtain a wastewater discharge permit before connecting to or discharging to the public sewer. Existing significant industrial users shall make application for a wastewater discharge permit within 30 days after the effective date of this Part 4 and shall obtain such a permit within 90 days after making application.
- D. No significant industrial user shall discharge wastewater to the public sewer without having a valid wastewater discharge permit, issued by the Superintendent. Significant industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this Part 4. Violation of a permit term or condition is deemed a violation of this Part 4.
- E. Discharge permits to storm sewers not authorized. The Calverton Sewer District and the Town of Riverhead do not have the authority to issue permits for the discharge of any wastewater to a storm sewer. This authority rests with the NYSDEC.
- F. Application for wastewater discharge permits. All industrial users are required to obtain a wastewater discharge permit and shall complete and file with the Superintendent an application in the form prescribed by the Town of Riverhead. The application shall be accompanied by a fee. The fee shall be established by the Town Board. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information, as a minimum:
- (1) Name, address and location (if different from the address).
 - (2) SIC code of both the industry and any categorical processes.
 - (3) Wastewater constituents and characteristics, including but not limited to those mentioned in Article XI of this Part 4 and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory approved by the NYSDOH. Sampling and analysis shall be performed in accordance with standard methods.
 - (4) Time and duration of the discharge.
 - (5) Average daily peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances.
 - (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged to the public sewer.

- (8) Each product produced by type, amount, process or processes and rate of production.
 - (9) Type and amount of raw materials processed (average and maximum per day).
 - (10) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system.
 - (11) The nature and concentration of any pollutants in the discharge which are limited by any county, state or federal standards, and 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.
 - (12) Any other information as may deemed by the Superintendent to be necessary to evaluate the permit application.
- G. The Superintendent will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

§ 265-81. Permit conditions.

- A. Wastewater discharge permits shall be expressly subject to all the provisions of this Part 4 and all other applicable regulations, user charges and fees established by the Town.
- B. Permits may contain the following:
- (1) Limits on the average and maximum rate and time of discharge, or requirements for flow regulation and equalization.
 - (2) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
 - (3) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the public sewer.
 - (4) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
 - (5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.
 - (6) Compliance schedules.
 - (7) Requirements for submission of technical reports or discharge reports.
 - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the Town, and affording the Superintendent access thereto.
 - (9) Requirements for notification of the Town of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the public sewer and STP.
 - (10) Requirements for the notification of the Town of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (11) Requirements for notification of excessive, accidental or slug discharges.

- (12) Other conditions as deemed appropriate by the Town to ensure compliance with this Part 4 and state and federal laws, rules and regulations.

§ 265-82. Permit duration and reissuance.

- A. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than five years at the discretion of the Town Board.
- B. The user shall apply for permit reissuance a minimum of 180 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 Superintendent, during the term of the permit, as limitations or requirements, as identified in § 265-83C, 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.

§ 265-83. Permit transfer, revocation and modification.

- A. Wastewater discharge permits are issued to a specific user for a specific operation or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.
- B. Wastewater discharge permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges and failure to meet compliance schedules.
- C. Wastewater discharge permits may be modified by the Superintendent, upon 30 days' 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 general discharge prohibitions and local limits.
 - (4) Changes in processes used by the permittee, or changes in discharge volume or character.
 - (5) Changes in design or capability of any part of the public sewer or STP.
 - (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 STP as a result of other permitted discharges.

§ 265-84. Reporting requirements for permittee.

- A. The reports or documents required to be submitted or maintained under this section shall be subject to:
- (1) The provisions of 18 U.S.C. § 1001 relating to fraud and false statements;
 - (2) The provisions of Section 309(c)(4) of the Act,^[1] as amended, governing false statements, representation or certification; and
- [1] *Editor's Note: See 33 U.S.C. § 1319(c)(4).*

- (3) The provisions of Section 309(c)(6) of the Act,^[2] as amended, regarding corporate officers.
[2] *Editor's Note: See 33 U.S.C. § 1319(c)(6).*

B. Baseline monitoring report.

- (1) Within 180 days after promulgation of an applicable federal categorical pretreatment standard, a user subject to that standard shall submit, to the Superintendent, the information required by § 265-80F(8) and (9).
- (2) Ninety-day compliance report. Within 90 days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the public sewer, any user subject to pretreatment standards and requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

C. Periodic compliance reports.

- (1) Any 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 public sewer, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 265-80. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted; however, no fewer than two reports shall be submitted per year.
- (2) The Superintendent may impose mass limitations on users which are 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 Subsection C(1) 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 Superintendent, 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 NYSDOH to perform the analyses.

- D. Violation report.** If sampling, performed by the user, indicates a violation of this Part 4 and/or the user's discharge permit, the user shall notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the STP performs monitoring of the user's discharge at least once a month for the parameter which was violated, or if the STP performs sampling, for the parameter which was violated, between the user's initial sampling and when the user receives the results of this sampling.

- E. Other reports.** The Superintendent may impose reporting requirements equivalent to the requirements imposed by Subsections A through D for users not subject to pretreatment standards.

§ 265-85. Pretreatment requirements.

- A. **Flow equalization.** No person shall cause the discharge of slugs to the STP. Each person discharging greater than 5% of the average daily flow of the STP shall install and maintain, on his property and at his expense, a suitable flow equalization facility to ensure equalization of flow over a twenty-four-hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit must be issued for flow equalization.
- B. **Grease, oil and sand interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.
- C. **Monitoring stations (control manholes).**
- (1) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through, shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling and measurement of their industrial wastewater discharge.
 - (2) If there is more than one street lateral serving an industrial user, the Superintendent may require the installation of a control manhole on each lateral.
 - (3) The Superintendent 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. Such station(s) shall be accessibly and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.
- D. **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 and continuously operational by the owner at his expense. Where an industrial user has such treatment, equalization or monitoring facilities at the time this Part 4 is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization or monitoring is required, plans and specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.
- E. **Vandalism, tampering with measuring devices.** No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access or render inaccurate, or cause or permit the 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 Calverton Sewer District; or
 - (2) Any measuring, sampling and/or testing device or mechanism installed pursuant to any requirement under this Part 4, except as approved by the Superintendent.
- F. **Sampling and analysis.**

- (1) 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 this Part 4 shall be carried out in accordance with standard methods by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Subsection C, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral 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).
- (2) Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Town representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols, including any quality control (QC) procedures. One of the portions shall be given to the representative of the industrial user whose wastewater was sampled, and the other portion shall be retained by the Town for its own analysis.

G. Accidental discharges.

- (1) SPCC plan. Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Part 4 or of an industrial wastewater discharge permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this Part 4 or any permit. Such discharges may result from:
 - (a) Breakdown of pretreatment equipment.
 - (b) Accidents caused by mechanical failure or negligence.
 - (c) Other causes.
- (2) Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the STP. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.
- (3) When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent for approval. These plans and procedures shall be called a spill prevention, control and countermeasure (SPCC) plan. The plan shall address, at a minimum, the following:
 - (a) Description of discharge practices, including nonroutine hatch discharges.
 - (b) Description of stored chemicals.
 - (c) Procedures for immediately notifying the Superintendent of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any national prohibitive discharge standard.
 - (d) 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.

§ 265-86. Posting notices and public notification.

- A. In order that the industrial user's employees be informed of the Town's requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Town requirements and whom to call in case of an accidental discharge in violation of this Part 4.
- B. When requested, the Superintendent 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 industrial user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, 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, and reports of accidental discharges, shall not be recognized as confidential.
- C. Confidential information 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 this Part 4, or the SPDES permit, provided that the governmental agency making the request agrees to hold the information confidential, in accordance with state or federal laws, rules and regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.
- D. Public notification. The Town will publish, in the Town official daily newspaper(s), informal notice of intent to issue a wastewater discharge permit, at least 14 days prior to issuance.

§ 265-87. Entry on private property.

- A. The Superintendent and other authorized representatives of the Town, representatives of EPA, NYSDEC, NYSDOH and/or SCDHS, bearing proper credentials and identification, shall be permitted to enter upon all properties at all 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 governing use of the public sewer and STP and with the provisions of this Part 4. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. 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. 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. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this Part 4. 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.
- B. Access to easements. The Superintendent and/or his agents, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Town holds an easement for the purpose of inspection, observation, measurement, sampling, repair and maintenance of any portion of the Town 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.
- C. Liability of property owner. During the performance, on private premises, of inspections, sampling or other similar operations, the inspectors shall observe all applicable safety rules established by

the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment, and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

§ 265-88. Special agreements.

- A. Nothing in this article shall be construed as preventing any special agreement or arrangement between the Town and any user of the public sewer or STP whereby wastewater of unusual strength or character is accepted and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Town Board shall consider whether the wastewater will:
- (1) Meet Article 7 of the Suffolk County Sanitary Code;
 - (2) Pass through or cause interference;
 - (3) Endanger the public municipal employees;
 - (4) Cause violation of the SPDES permit;
 - (5) Interfere with any purpose stated in § 265-52; or
 - (6) Prevent the equitable compensation to the Town for wastewater conveyance and treatment and sludge management and disposal.
- B. No discharge which violates the federal pretreatment standards will be allowed under the terms of such special agreements.
- C. No agreement shall be entered into without the user having been issued and presently having a permit to discharge wastes into the public sewer for treatment and disposal. Additionally, the user shall be in compliance with all conditions in the permit and shall not be in arrears in any charges due to the Town before the agreement is entered into. The Town Board may condition the agreement.

Article XV. Enforcement and Penalties

§ 265-89. Administrative remedies.

- A. Notification of violation. Whenever the Superintendent finds that any user has violated or is violating this Part 4, or any wastewater discharge permit, order, prohibition, limitation or requirement permitted by this Part 4, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent by the user. 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.
- B. Consent orders. The Superintendent 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 orders shall include specific action to be taken

by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order.

C. Administrative or compliance orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this Part 4 or a permit or administrative order issued thereunder, he may issue an administrative order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.
- (2) The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reject any frivolous petitions;
 - (b) Modify or suspend the order; or
 - (c) Order the petitioner to show cause in accordance with Subsection H of this section and may, as part of the show cause notice, request the user to supply additional information.

D. Administrative fines.

- (1) Notwithstanding any other section of this Part 4, any user who is found to have violated any provision of this Part 4, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continues shall be deemed a separate and distinct violation.
- (2) The user may, within 15 calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reject any frivolous petitions;
 - (b) Modify or suspend the fine; or
 - (c) Order the petitioner to show cause in accordance with Subsection H of this section and may as part of the show cause notice, request the user to supply additional information.

E. Cease and desist orders.

- (1) When the Superintendent finds that a user has violated or continues to violate this Part 4 or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:
 - (a) Comply forthwith.
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.
- (2) The user may, within 15 calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be

in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (a) Reject any frivolous petitions;
- (b) Modify or suspend the order; or
- (c) Order the petitioner to show cause in accordance with Subsection H of this section and may, as part of the show cause notice, request the user to supply additional information.

F. Termination of permit.

- (1) Any user who violates the following conditions of this Part 4 or a wastewater discharge permit or administrative order, or any applicable or state and federal law, is subject to permit termination:
 - (a) Violation of permit conditions or conditions of an administrative order.
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - (c) Failure to report significant changes in operations or wastewater constituents and characteristics.
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 - (e) Failure to pay administrative fines, fees or user charges.
- (2) Noncompliant industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.
- (3) The user may, within 15 calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the public sewer and STP by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reject any frivolous petitions;
 - (b) Order the petitioner to show cause in accordance with Subsection H of this section and may, as part of the show cause notice, request the user to supply additional information.

G. Water supply severance.

- (1) Whenever a user has violated or continues to violate the provisions of this Part 4 or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (2) The user may, within 15 calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:
 - (a) Reject any frivolous petitions;
 - (b) Reconnect the water supply; or
 - (c) Order the petitioner to show cause in accordance with Subsection H of this section and may, as part of the show cause notice, request the user to supply additional information.

H. Show cause hearing.

- (1) The Superintendent may order any user appealing administrative remedies for violations of this Part 4 to show cause, before the Town Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with Subsection J of this section. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.
- (2) The Town Board may itself conduct the hearing or may designate any of its members or any officer or employee of the Town to conduct the hearing and:
 - (a) Issue, in the name of the Town Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (b) Take the evidence.
 - (c) Take sworn testimony.
 - (d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Board for action thereon.
- (3) After the Town Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine or vacate the Superintendent's order or fine.

I. Failure of user to petition the Superintendent. In the event that the Superintendent 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 the Superintendent, 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.

J. Notice. The notices, orders, petitions or other notification which the user or Superintendent shall desire or be required to give pursuant to any sections of this Part 4 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 this Part 4 shall be mailed to the user where the user's effluent is discharged into transmission lines to the Calverton STP. Any notice, petition or other communication mailed to the Superintendent shall be addressed and mailed to the Town Hall of the Town of Riverhead.

K. Right to choose multiple remedies. The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this article. The Superintendent may utilize more than one administrative remedy established pursuant to this article, and the Superintendent may hold one show cause hearing combining more than one enforcement action.

§ 265-90. Judicial remedies.

A. Civil actions for penalties.

- (1) Any person who violates any of the provisions of or who fails to perform any duty imposed by this Part 4, or any administrative order or determination of the Superintendent promulgated under this Part 4, or the terms of any permit issued hereunder, shall be liable to the Town for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing (unless the user waives the right to a hearing) held in conformance with the procedures set forth in this article. Each violation shall be a separate and distinct violation, and, in the case of continuing violations, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town Attorney, or his designated attorney, at the request of the Superintendent in the name of the Town in any court of competent jurisdiction giving preference to courts local to the Town. In addition to the above-described penalty, the Superintendent may recover all damages incurred by the Town from any persons or users who violate any provisions of this Part 4, or who fail to perform any duties imposed by this Part 4 or any administrative order or determination of the Superintendent promulgated under this Part 4, or the terms of any permit issued hereunder. In addition to the above-described damages, the Superintendent may recover all reasonable attorneys' fees incurred by the Town in enforcing the provisions of this article, including reasonable attorneys' fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- (2) In determining the amount of civil penalty, the court shall take into account all relative 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 relative factors as justice may require.
- (3) Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Town Attorney, and, where such matter has been referred to the Town Attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Town Attorney, with the consent of the Superintendent.

B. Court orders.

- (1) In addition to the power to assess penalties as set forth in this article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this article, to seek an order:
 - (a) Suspending, revoking or modifying the violator's wastewater discharge permit; or
 - (b) Enjoining the violator from continuing the violation.
- (2) Any such court order shall be sought in an action brought by the Town Attorney, at the request of the Superintendent, in the name of the Town, in any court of competent jurisdiction, giving precedence to courts local to the Town.
- (3) The Town Attorney, at the request of the Superintendent, shall petition the court to impose, assess and recover such sums imposed according to this article. In determining the 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.

C. Criminal penalties.

- (1) Any person who willfully violates any provision of this Part 4 or any final determination or administrative order of the Superintendent made in accordance with this article shall be guilty of a Class A misdemeanor and, upon conviction thereof, shall be punished by a fine of not

less than \$500 nor more than \$1,000 or imprisonment not to exceed one 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.

- (2) 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 this Part 4, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 4 shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than one year, or both.
 - (3) No prosecution under this section shall be instituted until after final disposition of a show cause hearing, if any, was instituted.
- D. Additional injunctive relief. Whenever a user has violated or continues to violate the provisions of this Part 4 or permit or order issued hereunder, the Superintendent, through counsel, may petition the court, in the name of the Town, for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains the violation of, or compels the compliance with, any order or determination thereunder by the Superintendent.
- E. Summary abatement.
- (1) Notwithstanding any inconsistent provisions of this Part 4, whenever the Superintendent finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in severe damage to the public sewer, STP or the environment, and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such user, by notice, in writing wherever practicable or in such other form as in the Board's judgment will reasonably notify such person whose practices are intended to be prescribed, 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, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this article.
 - (2) If the user is not within the geographic boundaries of the Town, the right of summary abatement to discontinue, abate or alleviate conditions or activities shall be those prescribed in the intermunicipal agreement.
 - (3) The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety or welfare, or to preserve the public sewer and STP or the environment.

§ 265-91. Miscellaneous regulations.

A. Delinquent payments.

- (1) If there shall be any payments which are due to the Town, or any department thereof, pursuant to any article or section of this Part 4, which shall remain due and *unpaid, in whole* or in part, for a period of 20 calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount of the original bill a penalty equal to 20% of the original bill, and interest shall accrue on the unpaid balance at the rate of 2% per month, retroactive to the date of the original billing.

- (2) In the event that there are any sewer taxes, assessments or other service charges which shall have been delinquent for a period of at least 60 calendar days as of December 15 of any year, the Superintendent shall report the names of the defaulting persons to the Town Supervisor, the Town Clerk, the Town Chief Assessor and the Town Treasurer on or before December 15 of the same year. The Town Chief Assessor is hereby directed to add the entire amount of the sewer tax, assessment or other service charge which shall be in default, plus penalty and interest, as provided for in this Part 4, to the real property taxes due and owing to the Town in the next succeeding year, and the Town Chief Assessor is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.
 - (3) Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county 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 this Part 4, to the real property taxes due to the county in the next ensuing year.
- B. Performance bonds. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this Part 4 or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the Calverton Sewer District, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.
- C. Liability insurance. The Superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this Part 4 or any order or previous permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair public sewer and STP damage caused by its discharge.
- D. Informant rewards. The Superintendent is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the Superintendent is authorized to disperse up to 10% of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000, including the discovery reward.
- E. Public notification. The Superintendent shall provide public notification, in the daily newspaper with the largest circulation in the Town, of users which were in significant noncompliance of local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.
- F. Contractor listings.
- (1) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town.
 - (2) Existing contracts for the sale of goods or services to the Town held by a user found to be in significant violation with pretreatment standards may be terminated at the discretion of the Town Board.

Article XVI. Trucked or Hauled Waste

§ 265-92. Prohibited acts.

The discharge of trucked or hauled wastes into the sewer system and public sewers tributary thereto will not be permitted.

Article XVII. Sewer Rents

§ 265-93. Sewer rents established; purpose.

There is hereby established in the Calverton Sewer District a scale of rents to be called "sewer rents," the revenues from which shall be used for the payment of the cost of the management, maintenance, operation and repair of the sanitary sewer systems, including treatment and disposal works.

§ 265-94. Liability for and computation of rents.

In addition to any and all other fees and charges provided by law, the owner of any parcel of land served by the sanitary sewer system of the Calverton Sewer District shall pay a sewer rent for the use of such sanitary sewer system. Such sewer rent shall become due and payable annually, and the rate thereof shall be determined by the Town Board of the Town of Riverhead by a resolution duly adopted by a majority of its membership during the month of November, prior to November 15, to coincide with the adoption of the sewer budget. The rate so adopted shall be based upon the consumption of water during the annual period prior to the preceding June 30, according to the records of the Riverhead Water District, except as hereinafter provided.

§ 265-95. Charge to metered consumers of water.

In the case of metered consumers of water supplied by the Riverhead Water Department, the sewer rent charge, except as hereinafter provided, shall be computed and fixed by multiplying the amount of water consumed during the four quarterly meter reading periods prior to the preceding June 30, according to the records of the Riverhead Water District, by the rate established as aforesaid.

§ 265-96. Determination of charge in special cases.

In the case of metered consumers of water supplied by the Riverhead Water District who contribute to the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such metered consumer, or in the case of owners of real property who are not supplied with water by the Riverhead Water District but are connected to the sewer system, the Town Board of the Town of Riverhead shall fix and determine the sewer rent charge applicable to such real property upon such equitable basis as shall be determined by said Board.

§ 265-97. Charge to properties where sewage meters installed.

At the option of an owner of real property being served by the sewer system who is affected by § 265-96 above, such owner may, at his own expense and subject at all times to the approval of the Superintendent of the Calverton Sewer District or other designated official, install, operate and maintain sewage meters, gauges or other suitable devices for measuring the amount of sewage contributed to the sewer system. In such cases, the quantity of sewage shall be determined by such metering device, and the sewer rent applicable thereto shall be the amount which would be imposed for the consumption of a like amount of water during the prior annual period.

§ 265-98. Survey and report by Superintendent.

It shall be the duty of the Superintendent of the Calverton Sewer District or other designated official to make a survey annually or at such other times as may be required by the Town Board of the Town of

Riverhead, to determine whether there is being discharged into the sewer system sewage or other waste, which, in the opinion of such Superintendent, contains unduly high concentrations of solids or any other substance adding to the operating costs of the sewer system. Upon the completion of such survey, he shall file with said Board a report of his findings, indicating whether additional sewer rent charges should be levied for such sewage or other waste, and, if so, he shall set forth recommended charges for the same. Said Board is authorized to fix and determine such additional sewer rent charge therefor as shall be equitable, in addition to the sewer rents herein provided.

§ 265-99. Payment; collection; lien.

Sewer rents shall become due and payable on the first day of December in each year, or on such other date or dates as may be determined by the Town Board of the Town of Riverhead, and shall be collected by the Receiver of Taxes. Said rents shall constitute a lien on the real property served by the sewer system.