ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

LOCAL LAW NO. 9 OF 2010

ROCKLAND COUNTY SEWER DISTRICT NO.1

COUNTY OF ROCKLAND

STATE OF NEW YORK

A local law establishing rules and regulations governing the discharge of sewage, industrial waste, and other waste, into the Rockland County Sewer District No.1, and sewers tributary thereto, providing for the establishment and collection of charges for use of such sewer system and sewers, and prescribing penalties for the violation of such rules and regulations, and does hereby supersede local law number three of nineteen hundred seventy-seven, as amended by local law number nine of nineteen hundred seventy seven, local law number five of nineteen hundred seventy-eight, local law number two of nineteen hundred eighty-four and local law three of nineteen hundred ninety-three, local law nineteen of nineteen hundred ninety seven, local law three of two thousand and one and local law thirteen of two thousand and six.

Be it enacted by the Legislature of the County of Rockland as Follows:

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

GENERAL TABLE OF CONTENTS

ARTICLE	TITLE
1	SHORT TITLE AND PURPOSE
2	DEFINITIONS
3	USE OF PUBLIC SEWERS REQUIRED
4	PRIVATE WASTEWATER DISPOSAL
5	SEWER DESIGN, CONSTRUCTION, AND REPAIRS
6	BUILDING LATERALS, STREET LATERALS, CONNECTIONS, AND FEES
7	INFLOW
8	TRUCKED OR HAULED WASTE
9	DISCHARGE RESTRICTIONS
10	DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS
11	GENERAL PROCEDURES OF THE SEWER DISTRICT
12	ENFORCEMENT PROCEDURES AND PENALTIES
13	CHARGES
14	PUBLIC DISCLOSURE OF POTW OPERATIONS
15	CONFLICTS SEVERABILITY AND EFFECTIVE DATE

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

TABLE OF CONTENTS

		Page No.
ARTICLE 1 - Short Title and Purpose		
Section 101 -	Short Title	1-1
Section 102 -	General Purpose and Policy	1-1
Section 103 -	Specific Purposes	1-1
Section 104 -	Local Laws	1-3
Section 105 -	Administration	1-3
ARTICLE 2 - Definitions		
Section 201 -	Abbreviations	2-1
Section 202 -	Defined Terms	2-2
Section 203 -	Undefined Terms	2-19
ARTICLE 3 - Use of Public Sewers Required		
Section 301 -	Waste Disposal Unlawful	3-1
Section 302 -	Connecting Private Sewage System to Storm Sewer Unlawful	3-1
Section 303 -	Discharge of Sewage into Well Prohibited	3-1
Section 304 -	Wastewater Discharge Unlawful	3-1
Section 305 -	Building Permit Allowed Only When Approved Wastewater Disposal Available	3-2
Section 306 -	Private Wastewater Disposal Unlawful	3-2
-	Connection to Public Sewer Required	3-2
Section 308 -	Limitation on Use of Public Sewers	3-2
Section 309 -	Wastewater from Outside the POTW Service Area - Inter-Municipal Agreements	3-3
Section 310 -	Moratorium	3-3
Section 311 -	Basis of Sewer Use Requirement	3-3
ARTICLE 4 - Private Wastewater Disposal		
Section 401 -	Public Sewer Unavailable - Private Wastewater Disposal Required	4-1
Section 402 -	Sanitary Operation Required	4-1

Section 403 - Septage Removal 4-1
Section 404 - Direct Connection to New Public Sewers Required 4-2
Section 405 - Additional Requirements 4-2
Section 406 - On-Site Wastewater System Rehabilitation Program 4-2

ARTICLE 5 - Sewer Design, Construction, and Repairs

Section 501 - Proper Design 5-1
Section 502A- New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting 5-1
Section 502B -Plans, Specifications, and Pipe Test Results Required 5-2
Section 503 - Manholes and Manhole Installation 5-3
Section 504A- Inspection of Construction and Testing 5-3
Section 504B- Infiltration / Exfiltration Testing 5-3
Section 505 - Force Mains 5-3
Section 506 - Final Acceptance and Warranty/Surety 5-4
Section 507 - Final Acceptance and Bulkhead Removal 5-4
Section 508 - Liability Insurance Coverage and indemnification During Construction Period 5-4
Section 509 - Repairs to Defective Sewers 5-5
Section 510 - Extension of Sewers By The District 5-5
Section 511 - Emergency Repairs By District 5-6

ARTICLE 6 - Building Laterals, Street Laterals, Connections, and Fees

Section 601A-Permit Required for Sewer Connections 6-1
Section 601B-Inflow/Infiltration Prohibited 6-2
Section 602A-Sewer Connection Permits and Fees Within District 6-2
Section 602B- Regulation of Waste Discharged by Industrial Property Owners to the Joint Regional Sewer Board 6-2
Section 602C- Regulation of Waste Discharged By Individual Property Owners to Another Jurisdiction Other than the Joint Regional Board 6-3
Section 602D-Sewer Connection Permits and Fees Outside District 6-3
Section 603A-New Building Laterals 6-4
Section 603B-Laterals Serving A Multiple Dwelling Structure 6-4
Section 603C-Private Sewers Serving Complexes 6-5
Section 603D-Dry Sewers 6-5
Section 604 - Using Existing Building Laterals 6-5
Section 605 - Lateral Pipe Materials and Construction 6-5
Section 606A-As-Built Drawings 6-5
Section 606B-Special Manhole Requirements 6-6
Section 607 - Laterals At and Near Buildings 6-6
Section 608 - Sewage Lifting 6-6

Section 609A-Building Lateral/Street Lateral Connection and Responsibility 6-6
Section 609B-Cleanout Repair/Replacement 6-7
Section 609C-Street Lateral Replacement; Ownership 6-7
Section 610A-Connection Inspection 6-7
Section 610B-Trench Inspections 6-7
Section 611 - Abandoning House Connections 6-8
Section 612 - Public Safety Provisions Required; Restoration of Disturbed Areas 6-8
Section 613 - Interior Clean-Out 6-8
Section 614 - Costs Borne by Owner 6-8

ARTICLE 7 - Inflow

Section 701 - New Inflow Sources Prohibited 7-1
Section 702 - Existing Inflow Sources Disconnected 7-1
Section 703 - Fines for Inflow 7-1

ARTICLE 8 - Trucked or Hauled Wastes

Section 801 - Permits and Application 8-1
Section 802 - Concurrent Requirements 8-1
Section 803 - Executive Director Not Required to Issue Permits 8-2
Section 804 - Dumping Location and Timing 8-2
Section 805 - Notification of Dumping 8-2
Section 806 - Charges for Discharge of Trucked or Hauled Wastes 8-2

ARTICLE 9 - Discharge Restrictions

Section 901 - Pretreatment Standards 9-1
Section 902 - Prohibited Discharge Standards 9-1
Section 903 - National Categorical Pretreatment Standards 9-5
Section 904 - Concentration Based Limitations 9-5
Section 905 - Mass Discharge Based Limitations 9-7
Section 906 - Modification of Limitations 9-8
Section 907 - Dilution 9-8

ARTICLE 10 - Discharge Permits and Pretreatment Requirements

Section 1001 -When Permits are Required 10-2
Section 1002 -Wastewater Discharge Reports 10-2
Section 1003 -Notification to Industrial Users 10-2
Section 1004 -Wastewater Discharges 10-3
Section 1005 -Wastewater Discharge Permits Required For Significant Industrial Users 10-3

Section 1006 - Other Industrial Users 10-3
Section 1007 - Discharge Permits to Storm Sewers Not Authorized 10-3
Section 1008 - Application for Wastewater Discharge Permits 10-3
Section 1009 - Permit Modifications 10-6
Section 1010 - Permit Conditions 10-7
Section 1011A-Wastewater Discharge Permit Appeals 10-10
Section 1011B-Permit Duration 10-10
Section 1012- Permit Reissuance 10-10
Section 1013- Permit Transfer 10-11
Section 1014- Revocation of Permit 10-11
Section 1015- Reporting Requirements for Permittee 10-12
Section 1016- Accidental Discharge/Slug Control Plans 10-15
Section 1017- Flow Equalization 10-16
Section 1018- Monitoring Stations (Control Manholes) 10-16
Section 1019- Proper Design and Maintenance of Facilities and Monitoring Stations 10-17
Section 1020- Vandalism, Tampering with Measuring Devices 10-17
Section 1021- Sampling and Analysis 10-17
Section 1022- Pollution Concentration Determination 10-18
Section 1023- Volume Determination 10-19
Section 1024- Pollutant Concentration Disputed by a User 10-20
Section 1025- Pretreatment 10-20
Section 1026- Grease and Oil Interceptors 10-21
Section 1027- Combustible Gas Meters 10-22
Section 1028- Accidental Discharges 10-22
Section 1029- Posting Notices 10-23
Section 1030- Sampling and Sample Splitting 10-23
Section 1031- Access to Information 10-24
Section 1032- Access to Property 10-24
Section 1033- Access to Records of Users 10-25
Section 1034- Access to Easements 10-25
Section 1035- Liability of Property Owner 10-26
Section 1036- Executive Director Not Required to Issue Permits 10-26
Section 1037- Property Damage Protection 10-26
Section 1038- Violation of Permit 10-26
Section 1039- Special Agreements 10-27
Section 1040- Regulation of Waste Received From Individual Property Owners in Other Jurisdictions 10-27
Section 1041- Regulation of Waste Received From Area Within Other Jurisdiction 10-29
Section 1042- Bypass 10-30

ARTICLE 11 - General Procedures of the Sewer District

Section 1101 - Public Information 11-1
Section 1102 - Procedure for Adoption of Rules; Emergency Rules 11-2
Section 1103 - Filing and Taking Effect of Rules 11-2
Section 1104 - Publication of Rules 11-2
Section 1105 - Petition for Adoption of Rules 11-3
Section 1106- Declaratory Opinions by the Executive Director; Declaratory Rulings by the Board of Commissioners of the Sewer District 11-3
Section 1107 - Contested Cases: Notice; Hearing; Records 11-3
Section 1108 - Rules of Evidence; Official Notices 11-4
Section 1109 - Examination of Evidence by the Board of Commissioners 11-5
Section 1110 - Decisions and Orders 11-5
Section 1111 - Ex parte Consultations 11-5
Section 1112 - Permits 11-6
Section 1113 - Review of Contested Cases 11-6

ARTICLE 12 - Enforcement Procedures and Penalties

Section 1201 - Enforcement Response Plan - (Enforcement Rules) 12-2

ADMINISTRATIVE REMEDIES
Section 1202 - Notification of Violation 12-3
Section 1203 - Consent Orders 12-3
Section 1204 - Administrative or Compliance Orders 12-3
Section 1205 - Administrative Fines 12-4
Section 1206 - Cease and Desist Orders 12-5
Section 1207 - Termination of Permit 12-5
Section 1208 - Emergency Suspensions by Executive Director 12-6
Section 1209 - Show Cause Hearing 12-7
Section 1210 - Failure of User to Petition the Executive Director 12-8
Section 1211 - Notice 12-8
Section 1212 - Right to Choose Multiple Remedies 12-8

JUDICIAL REMEDIES
Section 1213 - Civil Actions for Penalties 12-9
Section 1214 - Court Orders 12-9
Section 1215 - Criminal Penalties 12-10
Section 1216 - Additional Injunctive Relief 12-10
Section 1217 - Summary Abatement 12-11
Section 1218 - Seek Damages 12-11
Section 1219 - Remedies Non-Exclusive 12-11

MISCELLANEOUS
Section 1220 - Delinquent Payments 12-12
Section 1221 - Performance Bonds 12-12
Section 1222 - Liability Insurance 12-13
Section 1223 - Informant Rewards 12-13
Section 1224 - Public Notification 12-13
Section 1225 - Contractor Listings 12-14
Section 1226 - Prohibited Discharge Standards 12-14
Section 1227 - Reporting of Violations to Other Agencies 12-14
Section 1228 - Other Laws and Actions Not Precluded 12-15

ARTICLE 13 - Charges

Section 1301 - Legislative Intent 13-1
Section 1302 - Schedule of Units of Use 13-1
Section 1303 - Annual Sewer Rent 13-6
Section 1304 - Date of Payment; Lien Date; Penalties 13-6
Section 1305 - Pro-rata Sewer Rent 13-7
Section 1306 - Sewer Rent Refund 13-7
Section 1307 - Joint Office Space 13-7
Section 1308 - Office Occupancy and Notification of 13-8
Section 1309 - Garbage Disposal Units and Notification 13-8
Section 1310 - Part Time and Off Premise Employees 13-8
Section 1311 - Additional Industrial Unit Charges 13-8
Section 1312 - Pretreatment Program Costs 13-10
Section 1313 - Charges for Scavenger Wastes 13-10
Section 1314 - Capital Recovery From Industrial Users 13-10
Section 1315 - Fees for Services by District to Others 13-10
Section 1316 - Collection of Charges 13-10
Section 1317 - Impact Fees 13-11
Section 1318 - Sewer Operating Fund 13-11
Section 1319 - Records and Accounts 13-11

ARTICLE 14 - Public Disclosure of POTW Operations

Section 1401 - POTW Operations Open to the Public 14-1
Section 1402 - Procedural Requirements Available 14-1
Section 1403 - Validity Through Public Inspection 14-1

ARTICLE 15 - Conflicts, Severability and Effective Date
Section 1501 - Conflicts 15-1
Section 1502 - Severability 15-1
Section 1503 - Effective Date 15-1

END OF TABLE OF CONTENTS

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 1

SHORT TITLE AND PURPOSE

Section 101 - Short Title
Section 102 - General Purpose and Policy
Section 103 - Specific Purposes
Section 104 - Local Laws
Section 105 - Administration

Section 101 - Short Title

These rules and regulations shall be known as the " Rockland County Sewer Use Law as Last Amended in 2010". They supersede, Local Law No. 3 of 1977 as amended by Local Law No.9 of 1977, Local Law No. 5 of 1978, Local Law No. 2 of 1984, Local Law 3 of 1993, Local Law No. 19 of 1997, Local Law 3 of 2001,and Local Law No. 13 of 2006.

Section 102 - General Purpose and Policy

This law establishes rules and regulations governing the discharge of sewage, industrial wastes and other waste into the Rockland County Sewer District No. 1 and public sewers tributary thereto, providing for the establishment and collection of charges for use of such sewer system and sewers and prescribing penalties for the violation of such rules and regulations.

The general purpose of this Law is to provide for efficient, economic, environmentally safe, and legal operation of the Rockland County Sewer District's Publicly Owned Treatment Works (POTW). This Law sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment systems for the Rockland County Sewer District No. 1, and enables the District to comply with all applicable State and Federal laws, including the Clean Water Act, ("The Act") and the General Pretreatment Regulations (40 CFR Part 403), as amended.

This Law shall apply to all users of the POTW. It authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

Section 103 - Specific Purposes

The specific purposes of this Law are the following:

(1) To prevent the introduction of substances into the POTW that will:

(a) interfere with the POTW in any way,

(b) pass through the POTW, to the receiving waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit, or otherwise be incompatible with the POTW,

(c) increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals,

(d) endanger the general public or POTW personnel, who may be affected by wastewater and sludge in the course of their employment,

(e) cause air pollution, or groundwater pollution, directly or indirectly,

(f) cause, directly or indirectly, any public nuisance condition.

(2) To prohibit the contribution of sewage and industrial wastes, and other wastes, which cause maintenance difficulties in the trunk sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances to the Sewer District's system and public sewer tributary thereto.

(3) To require the treatment before introduction into the Sewer District's sewer system, local sewer collection systems and/or other public sewers tributary thereto, of such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the system by direct or indirect chemical action, or interfere with the normal collection and treatment processes.

(4) To prohibit excessive volumes and/or inordinate rates of flow of sewage and wastes into the Sewer District's sewer system, and/or local sewer collection systems and/or other public sewers tributary thereto.

(5) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.

(6) To assure that new sewers and connections are properly constructed.

(7) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

(8) To provide the authority and procedure for the Sewer District to promulgate rules, to investigate and prepare findings of facts, to issue licenses or permits, to hold hearings, to make decisions, orders and opinions, and to give notice and make public all rules and

decisions.

(9) To provide cooperation with the Rockland County Department of Health, the New York State Department of Environmental Conservation, the New York State Department of Health, the United States Environmental Protection Agency, and other agencies which have requirements of jurisdiction for the protection of the physical, chemical, and bacteriological quality of water courses within or bounding the county.

(10) To protect the public health and to prevent nuisance.

(11) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

Section 104 - Local Laws

All local laws and/or regulations of any local governing body must be adhered to in addition to this law. This law will supersede those local laws and/or regulations only where conditions herein are more stringent.

Section 105 - Administration

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

END OF ARTICLE 1

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 2

DEFINITIONS

Section 201 - Abbreviations
Section 202 - Defined Terms
Section 203 - Undefined Terms

Section 201 - Abbreviations

The following abbreviations shall have the designated meanings:

ANSI -	American National Standards Institute
ASTM -	American Society for Testing and Materials
AWWA -	American Water Works Association
BOD -	Biochemical Oxygen Demand
CFR -	Code of Federal Regulations
CPLR -	Code of Public Law and Rules
COD -	Chemical Oxygen Demand
EPA -	Environmental Protection Agency
GPD -	Gallons per day
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
NYSDOT -	New York State Department of Transportation
P -	Total Phosphorus
PSI -	Pounds per Square Inch
POTW -	Publicly Owned Treatment Works
PPM -	Parts per Million, weight basis
RCRA -	Resource Conservation and Recovery Act
SIC -	Standard Industrial Classification
SPDES -	State Pollutant Discharge Elimination System
SWDA -	Solid Waste Disposal Act, 42 WSC. 690 L, et seq.
USC -	United States Code of Laws
USEPA -	United States Environmental Protection Agency
TSS -	Total Suspended Solids

Section 202 - Defined Terms

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

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

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

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

Ammonia - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

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

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

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

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

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

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice- president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or Local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

Biochemical Oxygen Demand - (BOD) - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, for five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

Board of Commissioners - (Board) - Shall mean the governing body of Rockland County Sewer District No. 1 and/or any successor body, agency, commission, or authority charged with the duty of the operation and maintenance of the Rockland County Sewer District No 1 and/or any other additional sewer disposal districts or facilities subject to the approval of the Legislature of the County of Rockland and/or body designated pursuant to the Laws of the State of New York.

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

Building Drain - That part of the lowest horizontal piping of a building drainage system, which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral.

Building Lateral - (Building Sewer) - See Lateral, Building

Categorical Pretreatment Standard - (Categorical Standard) - (Pretreatment Standard) - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chlorine Demand - The 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.

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

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

Combined Sewer - A sewer receiving a mixture of storm water and sanitary sewage, with or without industrial wastes.

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

Connection - Attachment of one user to a sewer (see Extension)

Connection Charge - (Tap Fee) - The one time application fee by the District, Town, or Village to offset expenses to process an application for a connection of a building/street lateral to the public sewer.

Contested Case - A proceeding, including but not restricted to rate making, surcharging and issuance of licenses, or permits in which the legal duties, rights or privileges of a party are required by law to be determined by the Rockland County Sewer District No. 1 and/or the Legislature of the County of Rockland with an opportunity for hearing.

Control Authority - The term shall refer to the Executive Director,

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

Conventional Pollutant - A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

Cooling Water - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances, which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

County - Rockland County

DEC - The New York State Department of Environmental Conservation.

Department of Health - shall mean the Rockland County Department of Health.

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

Direct Discharge - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

District - (Rockland County Sewer District No. 1) - See Sewer District

District Board - See Board of Commissioners

District Sewers - Sewers, which are owned and maintained by the District.

Domestic Wastes - See Sewage, Domestic.

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

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

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

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

End of Process Concentration - See National Categorical Pretreatment Standard.

Environmental Protection Agency - (EPA) - (USEPA) - (The US Environmental Protection Agency) - The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the Administrator or other duly authorized official of this Agency.

Executive Director - The Executive Director of the Rockland County Sewer District No.1 and/or any other successor body, agency, commission or authority charged with the duty of the operation and maintenance of the Rockland County Sewer District No.1 and/or any other additional sewer disposal districts or facilities subject to the approval of the Legislature of the County of Rockland or any other body designated pursuant to the laws of the state of New York or his authorized agent or representative.

Existing Source - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

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

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

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

Garbage - 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 to be taken from a waste stream without regard to flow in the waste stream.

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

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

Highway Department - The governing municipal Highway Department.

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

Indirect Discharge - (Discharge) - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters from a non-domestic source regulated under section 307 (b), (c), or (d) of the Act (For reference, see Direct Discharge.)

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

Industrial Chemical Survey - (ICS) - The survey of industries in New York State, initiated by the NYSDEC, to determine chemical usage and storage by those industries.

ICS Form - The form used by the NYSDEC to survey industries to perform and update the Industrial Chemical Survey.

Industrial User - See User, Industrial

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

Infiltration - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

Inflow - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from infiltration.

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

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

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

(I) - Section 405 of the Clean Water Act,
(ii) - the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act -RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
(iii) - Clean Air Act,
(iv) - Toxic Substance Control Act, and
(v) - Marine Protection Research and Sanctuaries Act.
(vi) - 40 C.F.R. - Section 503 "Standards for use and disposal of sewage sludge."
(vii) - NYSCRR, Part 360 and Part 700-705 Regulations

Lateral, Building - The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal, beginning five (5) feet outside the inner face of the building wall.

Lateral, Street - (STUB) - The sewer extension from the public sewer to the property line, or to the limits of a sanitary sewer easement.

License - Includes the whole part of any permit, certificate, approval, registration, or similar form or permission required by law.

Licensing - Includes the process respecting the grant, denial, revocation, suspension, annulment, withdrawal, or amendment of a license.

May - Is permissive (see definition of shall)

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

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

Municipal Sewers - Sewers owned and operated by a municipality.

National Categorical Pretreatment Standard, or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (B) and (B) of the Act (33 USC. 1317), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

National Pollutant Discharge Elimination System (NPDES) Permit - A permit issued pursuant to Section 402 of the Act (33 USC. 1342).

National Prohibitive Discharge Standard - Any regulation developed under the authority of Section 307 (B) of the Act, and 40 CFR, Section 403.5.

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

waters.

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

New Source -

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

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

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(I) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design

studies, do not constitute a contractual obligation under this paragraph

New User - A discharger to the POTW who commences discharge after the effective date of this Law.

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

Normal Sewage - See Sewage, Normal.

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

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

Old Owner - That individual or entity who owns or owned a property, within the Service Area of the POTW, purchased prior to the effective date of this Law, or inherited the property at any time and who intends to sell the property, or has sold the property to a new owner, also the agent of the old owner.

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

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

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

Person - Any individual, firm, company, society, partnership, copartnership, public or private corporation, political subdivision, Federal, State, or local governmental agency or entity, association, trust, estate, joint stock company or any other legal entity whatsoever, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH - The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per

liter of solution, as determined by Standard Methods. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

Petroleum Hydrocarbon - that portion of the total extractable grease and fats which, is not retained as activated alluma or silica gel adsorption column after elutriating with hexane.

P - (Phosphate) - The concentration of phosphate as phosphorous, expressed in milligrams per liter.

Phosphorus, total - See total phosphorus.

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

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

Pretreatment - (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 a POTW. The reduction or alteration can be achieved by physical, chemical, or biological process, process changes, or by other means, except by diluting the concentration of pollutants unless allowed by an applicable pretreatment standard such as, 40 CFR, Section 403.6 (D).

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

Pretreatment Standard - (National Pretreatment Standard) - (Standards) - ***The term National Pretreatment Standard, Pretreatment Standard, or Standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Sec. 403.5 or local limits***

Prohibitive Discharge Standards - (Prohibited Discharges) - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 902 of this law.

Properly Shredded Garbage - The wastes from the preparation, cooking, and dispensing of

food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (½) inch in any dimension.

POTW Treatment Plant - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

Publicly Owned Treatment Works - (POTW) - A treatment works as defined by Section 212 of the Act, (33 USC. 1292) which is owned in this instance by the Sewer District or the municipalities within the District. ***It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant.*** For the purposes of this law, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District who are, by contract or agreement with the District, users of the District POTW.

Public Sewer - Sewers, manholes, intercepting sewers, sewage pumping station, treatment and disposal works and any other plant, works or equipment and accessories under the jurisdiction of any municipality, any public agency or the Sewer District that discharges its sewage and liquid into the Sewer District's sewer system.

Priority Pollutants - The most recently revised or updated list, developed by the EPA, in accordance with the Act.
Receiving Waters - A natural watercourse or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

Rockland County Sewer District No. 1 - (RCSD No. 1) - (District) - See Sewer District

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

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

(a) Statement concerning the internal management of the Sewer District and not affecting the private rights or,

(b) Declaratory rulings issued pursuant to Article 11 of this Law or,

(c) Intra-agency memoranda

Sanitary Sewage - See Sewage, Sanitary

Sanitary Sewer - See Sewer, Sanitary

Sanitary Wastewater - See Sewage, Sanitary

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

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

Service Area of the POTW - The legally defined bounds of real property from which wastewater may be discharged into the POTW, including all tributary sewers to District owned sewers. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Legislature of Rockland County, or any successor body charged with the duty of the operation and maintenance of Rockland County Sewer District No. 1.
Sewage - See Wastewater

Sewage, Domestic - (Domestic Wastes) - (Sanitary Sewage) - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water.

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

(a) BOD (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.

(b) Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.

(c) Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less.

(d) Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.

(e) Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.

(f) Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.

(g) Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less

(h) ***Polar*** Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or

less.

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

Sewage, Sanitary - (Domestic Wastes) - See Sewage, Domestic

Sewage, Storm - Sewage flowing in storm sewers (see sewer, storm) excluding sanitary sewage and industrial wastewaters, other than cooling waters and other unpolluted water.

Sewage Treatment Plant - (Water Pollution Control Plant) - See POTW Treatment Plant

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.
ewer District - (District) - (RCSD No1) - The Rockland County Sewer District No 1 as established and amended pursuant to Article 5 of the County Law and/or any other County additional or successor sewer disposal district(s) created pursuant to Article 5-G of the General Municipal Law for the removal and/or disposal of sewage. It shall include all properties within the service area of the POTW.

Sewer, Public - A sewer in which all abutting property owners have equal rights, and the use of which is controlled by the District, and/or the municipality owning that sewer.

Sewer Rents - A scale of annual charges established by the Board of Commissioners and imposed by the Rockland County Legislature for the use of public sewers.

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

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

Sewerage System - (Sewer System) - (Sewage System) - All facilities for collecting, regulating, pumping, and transporting wastewater and POTW treatment plant effluent to and away from the POTW treatment plant.

Sewerage Surcharge - (Sewage Surcharge) - The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage. (See Volume Charge.)

Shall - Is mandatory - (see definition of May)

Significant Industrial User - See User, Significant Industrial

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

(a) Chronic violations of wastewater discharge limits defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);

(c) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Executive Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Executive Director's exercise of its emergency authority under Article 11 of this Law;

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to report accurately any non-compliance;

(h) Any other violation which the Executive Director determines will adversely affect the implementation or operation of the local pretreatment program.

Slug - (Slug Load) - ***A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.***

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

Standard Methods - Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Executive Director, whichever is the most conservative.

State - State of New York.

State's Waters - See Waters of the State.

Storm Sewer - (Storm Drain) - See Sewer, Storm.

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

Street Lateral - See Lateral, Street

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

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

Superintendent - That individual appointed by a Village or Town to oversee its' POTW operations. That person shall be the Executive Director in municipalities where the District oversees the POTW operations. This definition shall also include his authorized deputy, agent, or representative.

Suspended Solids - 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.

Toxic Substances - (Toxic Pollutant) - Any substance, whether gaseous, liquid, or solid, that

when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, constitute a hazard by contaminating sludge, or to constitute a hazard to recreation in the receiving waters due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

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

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

User - Any person who contributes, causes, or permits the contribution of wastewater, or is required to deposit wastewater either directly or indirectly into the District's POTW.

User Charge - See Sewer Rent

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

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

User, Industrial – ***A user of the POTW who is an indirect discharger of non-domestic wastewaters.***

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

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

(a) Discharging an average of twenty-five thousand (25,000) gpd or more of process wastewater, leachate, or contaminated water to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

(b) Subject to National Categorical Pretreatment Standards promulgated by the EPA;

(c) Having substantial impact (as determined by the District, NYSDEC, or the USEPA), either singly or in combination with other industries, on the operation of the treatment works, the quality of the sludge, the systems' effluent quality, or air emissions generated by the system;

(d) Designated as such by the District on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.

(d) Using, on an annual basis, more than 10,000 lbs or 1,000 gallons of raw material containing priority pollutants and/or substances of concern and discharging a measurable quantity of these pollutants to the sewer system; or

(e) Contributing a process wastestream, which makes up five (5) percent or more of the average dry weather organic capacity of the POTW treatment plant.

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

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

Waste, Domestic - (Sanitary Sewage) - See Sewage, Domestic

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

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

Wastewater Treatment Plant or Treatment Plant - That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

Wastewater, Unusual Strength or Character - See Sewage, Unusual Strength or Character

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

Section 203 - Undefined Terms

Terms not defined in this article, or terms found to be ambiguous or improperly defined in this article, shall be defined by the Act, or Regulations, pursuant thereto.

END OF ARTICLE 2

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 3

USE OF PUBLIC SEWERS REQUIRED

Section 301 - Waste Disposal Unlawful
Section 302 - Connecting Private Sewage System to Storm Sewer Unlawful
Section 303 - Discharge of Sewage into Well Prohibited
Section 304 - Wastewater Discharge Unlawful
Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available
Section 306 - Private Wastewater Disposal Unlawful
Section 307 - Connection to Public Sewer Required
Section 308 - Limitation on Use of Public Sewers
Section 309 - Wastewater from Outside the POTW Service Area - Inter-municipal Agreements
Section 310 - Moratorium
Section 311 - Basis of Sewer Use Requirement

Section 301 - Waste Disposal Unlawful

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the District or in any area under the jurisdiction of said District, any human excrement, garbage, or objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

Section 302 - Connecting Private Sewage System to Storm Sewer Unlawful

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

Section 303 - Discharge of Sewage into Well Prohibited

No person shall discharge into a well.

Section 304 - Wastewater Discharge Unlawful

It shall be unlawful to discharge to any natural outlet, within the District or in any area under the

jurisdiction of the District, any wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

Section 305 - Building Permit Allowed Only When Approved Wastewater Disposal Available

No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available. All housing construction or building development, which takes place after this Law is enacted, shall provide for an approved system of sanitary sewers except where public sewers are not available in accordance with Section 401.

Section 306 - Private Wastewater Disposal Unlawful

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

Section 307 - Connection to Public Sewer Required

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

Section 308 - Limitation on Use of Public Sewers

The use of the Districts' public sewers shall be strictly limited and restricted, except as provided in Sections 307 and 309, to receive and accept the discharge of sewage and other wastes, including industrial wastes, generated on, or discharged from real property within the bounds of the Service Area of the POTW and/or any other additional sewer disposal districts or facilities subject to the approval of the Legislature of the County of Rockland and/or any body designated pursuant to the laws of the State of New York.

Section 309 - Wastewater from Outside the POTW Service Area - Inter-municipal Agreements

The District Board of Commissioners, on the recommendation of the Executive Director, shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the POTW. All provisions of this Law shall apply to those persons.

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 Law.

If the person is not a municipality the discharge shall be made only with the expressed written consent of the Executive Directory (the issuance of a permit) setting forth the terms and conditions of such a discharge.

Section 310 - Moratorium

At the recommendation of the Executive Director, who determines that:

(1) One or more segments of the POTW is exceeding its hydraulic capacity at any time, or
(2) Any specific purpose of this Law is being violated.

The District Board shall have the authority to limit or deny new connections to the POTW until the conditions leading to the moratorium are corrected. Such correction may be by:

(1) Construction of new facilities, or
(2) Enlarging existing facilities, or
(3) Correction of inflow and infiltration, or
(4) Cleaning and repairing of existing facilities

Section 311 - Basis of Sewer Use Requirement

All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the District, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the District Board, the local Municipality having jurisdiction, the Rockland County Dept. of Health, the NYSDEC, the USEPA, and/or other such State or Federal agencies which have enforcement powers.

END OF ARTICLE 3

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 4

PRIVATE WASTEWATER DISPOSAL

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required
Section 402 - Sanitary Operation Required
Section 403 - Septage Removal
Section 404 - Direct Connection to New Public Sewers Required
Section 405 - Additional Requirements
Section 406 - On–Site Wastewater System Rehabilitation Program

Section 401 - Public Sewer Unavailable - Private Wastewater Disposal Required

Where a public sanitary sewer is not available, under the provisions of Section 304, the building lateral shall be connected to a private wastewater disposal system complying with the provisions of Rockland County laws and regulations as administered by the Rockland County Department of Health.

Section 402 - Sanitary Operation Required

The owner shall operate and maintain the private wastewater disposal system in a satisfactory manner at all times, at the owner's expense.

Section 403 - Septage Removal

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

The District may remove and dispose of septage once every one to three years, as required from properties located within the District's sewer benefit area, which are more than 100 ft from an available sewer. Those owners shall pay annual sewer rent in accordance with Section 1303. Where a system must be pumped more frequently than once per year, the owner shall pay for the additional pumping and take the necessary corrective action to make the system function properly.

Section 404 - Direct Connection to New Public Sewers Required

Within 90 days of such time that a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer, in compliance with this Law, and any cesspool, septic tank, and similar wastewater disposal facilities shall be cleaned of septage, by a licensed septage hauler, and finally either filled with clean sand, bank-run gravel, or dirt, or removed and properly disposed. When the connection is made to the public sewer, the connection to the private wastewater disposal facility shall be broken and both ends of the break shall be plugged, as appropriate.

Section 405 - Additional Requirements

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

Section 406 – On-Site Wastewater System Rehabilitation Program

The District will reimburse lot owners within the District for repair, upgrades, and/or replacement of existing failing on-site wastewater systems with a grant of up to $2,500.00 plus make low interest loan available up to $3,000.00 or limits as otherwise established by the District's Board of Commissioners. This financial assistance will be subject to the following conditions:

1. The owner must apply to the District for financial assistance to repair, upgrade, and/or repair their system.

2. The lot must be greater than 100 ft. from any existing sewers or any extensions to the sewer system proposed within the next two years, unless the Executive Director determines that it would be too great of a financial hardship for the owner to connect to the sewers.

3. A representative of the District must verify that the system is failing and that it is in need of repair, upgrade, and/or replacement.

4. The repair, upgrade and/or replacement must be designed, constructed, and maintained in accordance with rules and regulations established by the District, the Rockland County Health Department, and New York State.

5. The District and the Rockland County Health Department must have the right to enter the property to inspect the septic system prior to, during, and following the improvements, in order to implement the inspection plan which shall be specified in the rules and

regulations of the District.

6. The owner must substantiate the price paid for the septic system improvements. The total grant for the improvements shall not exceed 50% of the actual cost of the repair, upgrade, and/or replacement.

7. In new areas of the District which are incorporated by extending the District boundaries, this reimbursement shall be phased in over a 5 year period from the date that properties in the extended area of the District begin paying the Sewer District's area benefit charges, at the maximum rate of 20% of the grant amount allowed per year that the lot has been in the District and area benefit charges have been paid on the property.

END OF ARTICLE 4

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 5

SEWER DESIGN, CONSTRUCTION, AND REPAIR

Section 501- Proper Design
Section502 A-New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting
Section 502 B-Plans, Specifications, and Pipe Test Results Required
Section 503- Manholes and Manhole Installation
Section 504 A-Inspection of Construction and Testing
Section 504 B-Infiltration/Exfiltration Testing
Section 505- Force Mains
Section 506- Final Acceptance and Warranty/Surety
Section 507- Final Acceptance and Bulkhead Removal
Section 508- Liability Insurance Coverage and Indemnification During Construction Period
Section 509- Repairs to Defective Sewers
Section 510 - Extension of Sewers By the District
Section 511 - Emergency Repairs By the District

Section 501 - Proper Design

New sanitary sewers and all extensions to sanitary sewers to be installed within the Sewer District or areas tributary thereto shall be designed, by a professional licensed to practice sewer design in New York State, in accordance with the Recommended Standards for Sewage Works as adopted by the Great Lakes -Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), the Construction Standards for Rockland County Sewer District No. 1 Sewers, and in strict conformance with all requirements of the NYSDEC. Plans and specifications shall be submitted to, and written approval shall be obtained from the Rockland County Health Department, Rockland County Sewer District No.1, the NYSDEC, and all agencies having jurisdiction over same, before initiating any construction. The design shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

Section 502 A - New Sewers Subject to Approval, Fees, Inspection, Testing, and Reporting

When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision or development, the plans, specifications, and method of installation shall be subject to the approval of the Rockland County Health Department, Rockland County Sewer District No.1, and all other agencies having jurisdiction over same, in accordance with Section 501. Said property owner, builder, or developer shall pay for the entire design, review of the design by the District, inspection and

testing by the District and installation. They shall also pay for their proportionate share of the cost for any required upgrading of the existing treatment plant, intercepting or trunk sewers, pumping stations, force mains, and all other expenses incidental thereto which may be required as a result of rezoning or obtaining variances from existing zoning that increases wastewater flow above that quantity generated from development based on conformance with current zoning, or as a result of projects which will enlarge the service area or increase hydraulic or treatment plant demands on the POTW (See Impact Fees in Section 1317). Each street lateral shall be installed and inspected pursuant to Article 6, and estimated inspection fees shall be paid by the applicant prior to initiating construction. Design and installation of sewers shall be as specified in the Construction Standards for Rockland County Sewer District No. 1 Sewers, and in conformance with Paragraphs 3 through 6 of ASTM Specification C-12. The installation of the sewer shall be subject to periodic inspection by the District, without prior notice. The Executive Director shall determine whether work on District's sewers is proceeding in accordance with the approved proposed plans and specifications, and whether the completed work will conform with the approved proposed plans and specifications, and the Superintendent shall do likewise for sewers, which will not become the District's sewers. The sewer, as constructed, must pass the infiltration test (or the exfiltration test, with prior approval), required in the Construction Standards for Rockland County Sewer District No. 1 Sewers, before any building lateral is connected thereto. The Executive Director or Superintendent as applicable shall be notified 7 days in advance of the start of any construction actions so that such inspection frequencies and procedures as may be necessary or required, may be established. No new sanitary sewers will be accepted by the Executive Director or Superintendent until such construction inspections have been made so as to assure them of compliance with this Law and any amendments or additions thereto. The Executive Director and Superintendent have the authority to require such excavation as is necessary to inspect any installed facilities if the facilities were covered or otherwise backfilled before they were inspected so as to permit inspection of the construction, at the owners or contractors expense.

Section 502 B - Plans, Specification, and Pipe Test Results Required

Plans, specifications, and methods of installation for all sewers constructed within Rockland County Sewer District No. 1 shall conform to the requirements of this Article, plus the Construction Standards for Rockland County Sewer District No. 1 Sewers. Components and materials of wastewater facilities not covered therein, such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 501, and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the applicant shall submit, to the Superintendent, to the Rockland County Health Department, to RCSD No 1. and to all other agencies having jurisdiction over same, all design calculations and other pertinent data to supplement review of the plans and specifications. Results of manufacturer's tests on each lot of pipe delivered to the job site shall also be furnished, upon request.

Section 503 - Manholes and Manhole Installation

(1) Design of all manholes shall be submitted to the Executive Director for District sewers, and the Town or Village Superintendent for other sewers, and shall receive approval prior to placement.

(2) Manholes shall be placed where there is a change in slope or alignment, and at intervals not exceeding 400 linear feet.

(3) Watertight manhole covers shall be used on all manholes where the top of the manhole cover frame is less than 1.0 foot above the 100 year flood elevation, and where covers will be subjected to channelized surface water flow, or flooding.

(4) Locking manhole covers shall be used in all easements.

(5) All construction shall be in accordance with the Construction Standards for Rockland County Sewer District No. 1 Sewers.

Section 504 A - Inspection of Construction and Testing

Construction and testing of new sewers, which will become property of RCSD No.1, direct connections to the RCSD No.1 sewers and work by contractors within RCSD No.1 easements shall be inspected by a designated representative of the Executive Director. The cost of inspection and testing shall be borne by those who are relocating these sewers. Construction and testing of other new sewers within the District shall be inspected by a designated representative of the Town or Village Superintendent. The contractor shall notify the Executive Director and/or Superintendent a minimum of 48 hours prior to performing construction and testing, so that, necessary arrangements may be made for inspection.

Section 504 B - Infiltration/Exfiltration Testing

All sanitary sewers or extensions to sanitary sewers, including manholes, shall satisfy requirements of a final infiltration test before they will be approved and wastewater flow permitted by the District. Testing shall meet the requirements of the Construction Standards for Rockland County Sewer District No. 1 Sewers.

Section 505 - Force Mains

Force mains serving sewage lifting devices, such as grinder pumps and pump stations shall be designed in accordance with Section 501 of the Sewer Use Law. Additional design requirements are specified in the Construction Standards for Rockland County Sewer District No. 1 Sewers.

Section 506 - Final Acceptance and Warranty/Surety

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

Section 507 - Final Acceptance and Bulkhead Removal

Final acceptance of sewers not constructed by Districts' contractors shall be granted by the Executive Director only after approval of test results which have been certified by a licensed professional engineer, a letter from a licensed professional engineer certifying that sewers have been constructed in accordance with standards and specifications in this law, and "as-built" drawings which have been prepared by a licensed professional engineer or land surveyor, all of which have been submitted by the builder of the sewer. Only after final approval is granted by the Executive Director may the bulkhead at the point of connection with the Districts' sewerage system be removed and flow discharged into the Districts' sewerage system.

Section 508 - Liability Insurance Coverage and Indemnification During Construction Period

(1) Prior to any persons commencing work on any RCSD No.1 easements or properties (owned or leased) they must sign a release to defend, indemnify, save and hold harmless the county of Rockland, any agency, department or commission thereof, and Rockland County Sewer District No. 1 from any claims arising out of the work performed under contract or permits issued by the County of Rockland, and/or Rockland County Sewer District No.1 to perform work upon owned, rented, or leased Rockland County/Rockland County Sewer District No. 1 Properties and/or Facilities.

They must also agree to comply with all OSHA standards and regulations applicable to construction, excavation, and confined space entry requirements, while working upon owned, rented, or leased Rockland County/Rockland County Sewer District No.1 Properties and/or Facilities.

(2) Prior to any persons connecting directly to RCSD No.1 facilities or working on RCSD No.1 facilities they must file a bond with the Executive Director in the amount of five thousand dollars and indemnify the County of Rockland/RCSD No.1, against loss, cost,

damage or expense sustained or recovered on account of any negligence, omission or act of the applicant for such a permit, or any of his, or their agents arising or resulting directly or indirectly by reason of such permit or consent, or of any act, construction or excavation done, made or permitted under authority of such permit or done, made or permitted under authority of such permit or consent. All bonds shall contain a clause that permits given by the District may be revoked at any time for just cause.

(3) Prior to any persons commencing work on any RCSD No.1 easements or facilities, permission must be obtained from the Executive Director, and they must file an insurance certificate with the Executive Director which contains the clause "The County of Rockland /Rockland County Sewer District No.1 are an Additional Insured limited to and arising solely out of the contractors operations involving Rockland County/Rockland County Sewer District No.1 Facilities." Minimum coverage shall be as stated in the Construction Standards for Rockland County Sewer District No. 1 sewers.

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

Section 509 - Repairs to Defective Sewers

Repairs shall be made to defective mainline and lateral sewers within the District at the expense of the owner. Defects shall include but not be limited to broken or crushed pipes, offset or leaking joints, reverse slopes, pipe blockages, excessive infiltration, buried manholes, or other discrepancies which in the opinion of the Executive Director adversely threaten the operation of the POTW and/or the public health and/or safety. Defects which pose an imminent threat to the operation of the POTW and/or the public health and safety shall be corrected as soon as work forces can be mobilized by the owner after being notified to do so by the Executive Director in accordance with Section 1217. Other defects shall be completed within 90 days of being notified to do so by the Executive Director unless the Executive Director deems the extent of repairs required sufficient to warrant extending that time limit. If repairs are not effected by the owner within these time limits, the District may effect the required repairs at the owner's expense. Provisions of Article 12 shall apply for collection of these fees.

Section 510 - Extension of Sewers by the District

Property owners may petition the District to extend sewers to service their properties. If the District consequently pays to have its' sewers extended to service those properties, that cost may be recovered from the benefited property owners by imposing a sewer use fee or connection fee on those property owners.

Section 511 - Emergency Repairs by the District

When repairs are required and, in the judgement of the Executive Director, there is potential for imminent harm, injury, adverse effect on the sewer system structures or equipment, or endangerment to the public health, safety, property, or welfare, and time does not allow for compliance with bidding procedures, the Executive Director may declare an emergency and bypass the bidding requirements in order to procure those materials and services which are necessary to accomplish the emergency repairs. The Executive Director, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the health, safety or welfare of Rockland County and Rockland County Sewer District No 1.

END OF ARTICLE 5

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 6

BUILDING LATERALS, STREET LATERALS, CONNECTIONS, AND FEES

Section 601A - Permit Required for Sewer Connections
Section 601B - Inflow/Infiltration Prohibited
Section 602A - Sewer Connection Permits and Fees Within District
Section 602B - Regulation of Waste Discharged by Industrial Property Owners to the Joint Regional Sewer Board
Section 602C - Regulation of Waste Discharged By Individual Property Owners to Another Jurisdiction other than the Joint Regional Board
Section 602D- Sewer Connection Permits and Fees Outside District
Section 603A- New Building Laterals
Section 603B - Laterals Serving a Multiple Dwelling Structure
Section 603C- Private Sewers Serving Complexes
Section 603D- Dry Sewers
Section 604 - Using Existing Building Laterals
Section 605 - Lateral Pipe Materials and Construction
Section 606A- As-Built Drawings
Section 606B- Special Manhole Requirements
Section 607 - Laterals At and Near Buildings
Section 608 - Sewage Lifting
Section609A- Building Lateral/Street Lateral Connection and Responsibility
Section 609B- Cleanout Repair/Replacement
Section 609C- Street Lateral Replacement; Ownership
Section 610A- Connection Inspection
Section 610B- Trench Inspections
Section 611 - Abandoning Building Connections
Section 612 - Public Safety Provisions Required; Restoration Of Disturbed Areas
Section 613 - Interior Clean-Out
Section 614 - Costs Borne by Owner

Section 601 A - Permit Required for Sewer Connections

No unauthorized person shall uncover, make any direct connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Executive Director and/or Superintendent under whose jurisdiction the sewer is.

Section 601 B - Inflow/Infiltration Prohibited

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, cellar drains, subsurface drainage, excessive infiltration, cooling water or unpolluted industrial waters to any sanitary sewer. Swimming pool drains shall not be connected to any sanitary sewer, although backwash from swimming pool filters may be connected by permit. (See Article 7 prohibiting inflow)

Section 602 A - Sewer Connection Permits and Fees Within District

For buildings located within the District, an application for a sewer connection permit shall be submitted to the Executive Director, or Superintendent as applicable. The permit application shall be supplemented by any plans, specifications, insurance, indemnification or other information considered pertinent, in the judgement of the Executive Director or Superintendent. When connecting to District Sewers, an application shall be accompanied by fees for each connection, which shall be determined by the Board of Sewer Commissioners and specified in the current Procedural Rules for RCSD No1 for connecting Sanitary Sewers.

Connections made to the Districts sewers without a permit will be considered to be illegal connections and as such will be subject to fines in accordance with the District's Enforcement Rules. Illegal connections may be plugged, removed, or modified by the District at the owners expense. In addition, a commercial/non-residential wastewater questionnaire must be submitted by all non-residential users within the District to determine if a wastewater discharge permit and fees will be required in accordance with Section 1008.

Section 602B- Regulation of Waste Discharged by Industrial Property Owners to the Joint Regional Sewer Board

The Joint Regional Sewerage Board has agreed to accept sewage from some individual users within RCSD No.1. and treat it in their plant in Haverstraw. Users which are connected to sewers which flow directly into the sewers in the Joint Regional Sewerage Boards system without first flowing thru the RCSD No.1 Mount Ivy Pump Station must first obtain permission from the Executive Director. The District will collect Sewer Use Fees from those users, then pay the Joint Regional Sewerage Board for treatment of that sewage.

Section 602C- Regulation of Waste Discharged By Individual Property Owners to Another Jurisdiction other than the Joint Regional Board

Prior to any users, which are located within the limits of RCSD No.1 being permitted to discharge wastewater into another jurisdiction other than the Joint Regional Sewerage Board, they must:

(1) Submit a letter to the Executive Director requesting permission to do so which explains in detail the hardship which they feel justifies this action.

(2) Obtain a resolution from the other jurisdiction stating that they agree to accept discharge of the users waste into their system.

(3) Obtain a resolution from RCSD No.1 granting permission to discharge wastewater into the other jurisdictions sewer system.

(4) Meet any other conditions imposed by the other jurisdiction.

Section 602 D - Sewer Connection Permits and Fees from Outside District

For buildings located outside the District from which owners request to connect to the Districts sewers, a permit application shall be submitted to the Executive Director which shall be supplemented by any plans, specifications, insurance, indemnification, or other information considered pertinent in the judgement of the Executive Director. The application must be accompanied by:

(1) A resolution from the jurisdiction in which the building is located which approves the hookup of sewers from that property to the Rockland County Sewer District No. 1 sewer system.

(2) A permit and inspection fee of $2,500.00 per connected unit, or as otherwise periodically set by a resolution of the District Board of Commissioners. (This connection fee does not include the fee required for issuance of a wastewater discharge permit in accordance with Section 1008.)

(3) An executed copy of a covenant agreeing to abide by rules, laws and regulations of the District and this Law as it may be amended, and to pay charges, for annual operations and maintenance plus an annual area benefit fee. This covenant must be:

a) In recordable form, including all prior mortgages or other encumbrances.
b) Accompanied by requisite fees for recording as set forth by the County Clerk.

c) Accompanied by an up-to-date Title Report and paid policy of title insurance.

d) Acknowledged by the owner of the land.

e) Accompanied by a complete site survey and property description.

(4) An easement agreement for any other private property on which the sewer will be constructed to connect to the District sewers.

All work to be done as well as the contractor to perform the work must be approved by the District and/or the Municipality, which is responsible for overseeing the construction of the lateral. All rules and regulations governing a sewer hook-up to the District sewers shall be followed.

Section 603 A - New Building Laterals

A separate and independent street lateral and building lateral shall be provided for every tax lot. Rockland County Sewer District No. 1 does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection for two buildings on the same tax lot. Laterals and private sewers serving more than one building must be sized adequately by a licensed plumber or engineer. If more than one building on a tax lot are connected to the same lateral and that lot is subsequently subdivided, separate laterals must be constructed for each new lot, with easements being provided for any lateral from one lot which passes through another lot.

New street laterals and/or building laterals shall not go under building basements. In like fashion, a building shall not be constructed over an existing lateral; the lateral shall be relocated after the Superintendent or Executive Director has approved plans showing the relocation. If relocation is not physically possible then the lateral shall be either;

(1) exposed and totally encapsulated in not less than three inches of concrete, or

(2) exposed and walled and the building rooms above positively ventilated outdoors.

All existing manholes in or under the basement shall be sealed air-tight in a manner acceptable to the Superintendent. No new manholes shall be constructed on the portion of the lateral under the building.

Section 603 B -Laterals Serving a Multiple Dwelling Structure

When a sewer lateral is to serve a multiple dwelling structure, the lateral shall be sized in

accordance with the metered or estimated water use, using sound professional engineering judgement.

Section 603 C - Private Sewers Serving Complexes

Where a private sewer is to serve a complex of industrial, commercial, institutional, or dwelling structures, special design of the private sewer system to which laterals shall be constructed for each of these structures shall be required. These sewers shall be sized in accordance with metered or estimated water use, using sound professional engineering judgement. Such lateral sewers shall be connected to the public sewer through a manhole. The Executive Director or Superintendent shall determine where this connection to the public sewer is required. The new sewers and manholes shall be installed and tested in accordance with this law and Standards For Construction of Sanitary Sewers in RCSD No.1. Plans and specifications for the sewers shall be prepared and submitted for approval pursuant to this Law.

Section 603 D - Dry Sewers

Dry Sewers shall be designed and installed in accordance with this Law.

Section 604 - 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 or Executive Director, to meet all requirements of this Local Law.

Section 605 - Lateral Pipe Materials and Construction

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations and Construction Standards of the Rockland County Sewer District No. 1 Sewers. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. FD-5 shall apply.

Section 606 A - As-Built Drawings

The location of all lateral connections shall be indicated on a drawing and four (4) copies of this drawing, showing the as-built location and elevations of these connections, shall be furnished to the Superintendent or Executive Director as applicable. A refundable deposit shall be placed with the Superintendent or Executive Director when application is made to assure receipt of these as-builts. The amount of the deposit shall be $250 or such other fee as is periodically set

by the Board of Commissioners. No sanitary sewer shall be accepted by the Village, Town or District nor shall any sewage be discharged from them until four (4) copies of this record drawing have been so filed and the Superintendent or Executive Director as applicable has approved the submitted drawings for Town or Village sewers. One copy of the record drawings shall be forwarded by the Superintendent to the Executive Director. The deposit shall be returned upon submittal of the required "as-built" drawings.

Section 606 B - Special Manhole Requirements

When any street lateral is to serve a school, hospital, or similar institution, or public housing, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Executive Director or 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 Executive Director or Superintendent as applicable 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 Executive Director or Superintendent as applicable. If required, a new manhole shall be installed in the public sewer pursuant to Sections 504 and 1019, and the lateral connection made thereto as directed by the Executive Director or Superintendent as applicable.

Section 607 - Laterals At and Near Buildings

Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. Construction shall be in accordance with Construction Standards for Rockland County Sewer District No. 1 Sewers. 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.

Section 608 - Sewage Lifting

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by mechanical means and discharged to the building lateral, on approval of the Superintendent or Executive Director.

Section 609 A - Building Lateral/Street Lateral Connection and Responsibility

(1) For all new construction, street laterals shall be a minimum of 6 inches in diameter and a covered cleanout shall be installed to grade at the point of the connection to the building laterals at the time the street lateral is constructed.

(2) In areas where the District owns and/or operates the sanitary sewer collection system, the

connection of a building lateral to a street lateral shall be at the street right-of-way line or easement/property line.

(3) Where connection to an existing sewer is required (see section 307 of this law), and no street lateral exists, a street lateral must be constructed in accordance with the requirements of this Law by a licensed plumber at the property owner's expense.

(4) In areas where the District owns and/or operates the sanitary sewer collection system, the street laterals up to and including the cleanout shall become the property of the District after installation has been approved by the Executive Director.

(5) Installation, connection, ownership, maintenance, repair, and replacement of building laterals shall be the responsibility of the property owner.

(6) The District shall be responsible for the maintenance, repair, and replacement of street laterals in those areas of the District where they own and/or operate the sanitary sewer collection system.

(7) 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 or Executive Director.

Section 609 B - Cleanout Repair/Replacement

THIS SECTION IS DELETED

Section 609 C - Street Lateral Replacement; Ownership

THIS SECTION IS DELETED

Section 610 A - Connection Inspection

The applicant for the building lateral permit shall notify the Superintendent when the building lateral is ready for inspection and connection to the street lateral is to be made. The connection shall be made under the supervision of the Superintendent. When street laterals are installed pursuant to Section 601, the property owner, builder, or developer shall notify the Superintendent or Executive Director as applicable when the street lateral is ready for inspection and connection to the main sewer, and such connection shall be made under the supervision of the Superintendent or Executive Director as applicable.

Section 610 B - Trench Inspections

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral

pipes, such trenches shall be inspected by the Superintendent or Executive Director as applicable. Before the trenches are backfilled, the person performing such work shall notify the Superintendent or Executive Director as applicable when the laying of the building lateral is completed, and no backfilling of trenches shall begin until approval is obtained from them.

Section 611 - Abandoning Building Connections

Street laterals for building connections which are abandoned when a building is demolished, substantially destroyed by fire or the building is destroyed for any other reason, must be sealed with a factory fabricated watertight cap at the property line or at the edge of the sewer easement. Adaptors manufactured by Fernco Company or approved equal must be used where it is necessary to transition to a different material pipe. A fabricated cap may then be constructed on the new pipe. The municipal inspector must be notified prior to performing this work. This is to ensure that proper construction materials and methods as well as location ties to the cap can be verified by the municipal inspector. If street laterals are not capped properly within 30 days of being abandoned as described above, the District may cap it or cause it to be capped by others, then collect charges for that work from the property owner in accordance with provisions of Article 12 of this law relating to the collection of charges and delinquent payments.

Section 612 - 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, pathways, and other public property disturbed, in the course of the work, shall be restored in a manner satisfactory to the Superintendent or Executive Director. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade and shortly thereafter the contractor shall complete road and shoulder restoration to the governing Standards. The cost for such final road and shoulder restoration shall be at the owner's expense.

Section 613 - Interior Clean-Out

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

Section 614 - 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 Village, Town or District. The property owner shall indemnify the District, Village, or 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.

END OF ARTICLE 6

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 7

INFLOW

Section 701 - New Inflow Sources Prohibited
Section 702 - Existing Inflow Sources Disconnected
Section 703 - Fines For Inflow

Section 701 - New Inflow Sources Prohibited

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

Section 702 - Existing Inflow Sources Disconnected

Connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Executive Director at the expense of the owner. Authorized representatives of the Executive Director, EPA, NYSDEC, NYSDOH, and or Rockland County Health Dept. shall be given access to all properties to inspect for inflow sources, in accordance with Section 1032.

Section 703 - Fines For Inflow

Sources of inflow are considered illegal connections and as such are subject to fines in accordance with the District's Enforcement Rules.

In addition, the quantity of inflow, as estimated by the District, is subject to a surcharge at the rate of twice the normal rate of the user charge for industrial flow. This surcharge shall be collected in the same manner as other fines in accordance with the District's Enforcement Rules.

END OF ARTICLE 7

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 8

TRUCKED OR HAULED WASTES

Section 801 - Permits and Application
Section 802 - Concurrent Requirements
Section 803 - Executive Director Not Required to Issue Permits
Section 804 - Dumping Location and Timing
Section 805 - Notification of Dumping
Section 806 - Charges for Discharge of Trucked or Hauled Wastes

Section 801 - Permits and Application

The discharge of trucked or hauled wastes (scavenger waste) into the treatment plant, District sewer system and public sewers tributary thereto will be permitted only with the written approval (permit) issued by the Executive Director. The discharge of Industrial trucked waste into the POTW will be permitted only at the discretion of the Executive Director. Applicants for such permits shall apply on a form provided by the Executive Director. These forms may require information such as vehicle specifications, vehicle license number, vehicle color, NYSDEC permits issued under 6 NYCRR Part 364, approximate annual septage volume expected, service area, and any other information that the Executive Director may require, to determine whether the wastes could adversely impact the POTW. The application shall be accompanied by an application fee prescribed by the Executive Director.

The permittee of trucked or hauled waste will also be charged a fee for each dumping, in accordance with Article 13. The dumping fee shall be paid and a form certifying the origin of the waste shall be filled out prior to dumping.

Section 802 - Concurrent Requirements

The applicant for a permit shall be the owner of the vehicle or vehicles to be used for such discharge. Any false or misleading statement, in any permit application, shall be grounds for invalidating the permit. All permits, issued by the Executive Director, for this purpose, shall be for one (1) year. The permittee shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 ("364 permit"). If, for any reason, the 364 permit is revoked, the 364 permit lapses or becomes invalid, then the permit issued under this Article shall become invalid immediately. The vehicles used to haul waste must be holding a current Rockland County Health Department inspection sticker. All acts performed in connection with the permit shall be subject to the inspection and regulations, as established by the Executive Director, the terms and conditions of the permit and all local and general laws, ordinances, and regulations which are now or may come into effect, and such permit may be suspended or revoked, at any time by the Executive

Director for willful, continued, or persistent violation thereof. Hearings to reinstate a permit shall be initiated by petition of the party desiring reinstatement.

Section 803 - Executive Director Not Required to Issue Permits

(SEE SECTION 1036)

Section 804 - Dumping Location and Timing

The Executive Director will require discharging at only designated locations within the POTW, and only at certain times and rates, and on only certain days of the week, or seasons of the year as shall be stated on said permit or as may be relocated by the Executive Director. The time and conditions for permissible discharge shall be as set forth on the permit, or as may be revised by the Executive Director.

Section 805 - Notification of Dumping

Each discharge of scavenger wastes shall be made only with the approval of the Executive Director. The Executive Director may require inspection, sampling, and analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling, and analysis shall be paid by the permittee.

Section 806 - Charges for Discharge of Trucked or Hauled Wastes

The Board of Sewer Commissioners shall establish fees for discharge of scavenger wastes to be discharged into the Districts POTW in accordance with Section 1312. The scavenger permittee will be charged a fee for each dumping which shall be paid prior to being dumped. Payment shall be made under individual tickets for each load produced under the terms of the permit.

END OF ARTICLE 8

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 9

DISCHARGE RESTRICTIONS

Section 901 - Pretreatment Standards
Section 902 - Prohibited Discharge Standards
Section 903 - National Categorical Pretreatment Standards
Section 904 - Concentration Based Limitations
Section 905 - Mass Discharge Based Limitations
Section 906 - Modification of Limitations
Section 907 - Dilution

Section 901 - Pretreatment Standards

All users of the District POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act, including but not limited to 40 CFR parts 401-471, and/or any other Federal and/or state and/or local standard for water pollution control which is more stringent.

Section 902 - Prohibited Discharge Standards

A) General Prohibitions

No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater, which will ***pass through*** or cause interference with the operation or performance of the POTW, or contaminate the ground and/or groundwater by leaking out of the sewer. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other National, State, or Local Pretreatment Standards or Requirements. Pollutants, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

B) Specific Prohibitions

Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

(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 POTW, or to the operation of the POTW. At no time shall 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. Pollutants, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21; unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, perchloroethylene, bromates, carbides, hydrides, and sulfides, and any other substance which the District, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.

(2) Any wastewater having a pH less than 5.0 or greater than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel. Prohibited materials include but are not limited to acids, sulfides, concentrated chloride, fluoride compounds, and substances which react with water to form acid or basic products.

(3) Solid or viscous substances which may alone or in combination with other substances cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities **(*unless explicitly allowable by a written permit*)** Such substances include, but are not limited to, grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, fetus, products of abortion, surgical specimens, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes. The installation of garbage grinders equipped with a motor greater than three-fourth (3/4) horsepower (0.75 h.p.) shall be only by permit issued by the Executive Director.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Act.

(5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

(6) Any pollutants which result in the presence of toxic gases, vapors, or fumes

within the POTW in a quantity that may cause acute worker health and safety problems.

(7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts greater than 25 mg/l or in amounts that will cause interference or pass through.

(8) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils, or which become visible solids when the wastes cool to the temperature prevailing in the wastewater in the collection system or at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than 100 mg/l of emulsified oil or grease of animal or vegetable origin; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW, unless explicitly allowable by written permit.

(9) Any substance, including oxygen-demanding pollutants (BOD, COD etc.) or chlorine released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with or pass through of POTW, or cause a significant additional load on the sewage treatment works, except as provided under Article 10.

(10) 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.

(11) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F), or which will inhibit biological activity in the treatment plant resulting in interference. However, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Executive Director reserves the right, in certain instances, to prohibit wastes at temperatures lower than 65 degrees C.

(12) Unusual flow rate or concentration of wastes constituting "slugs" as defined herein. ***(except by Industrial Wastewater Permit)***

(13) Any wastewater containing any radioactive wastes except as approved by the Executive Director, and in compliance with applicable State and Federal regulations. Any institution or industry discharging radioactive material or fission products must be registered with the Sewer District as well with other regulatory agencies as the law requires. The registration shall include all copies of State and Federal permits governing the waste discharge. The active elements and the local concentrations permitted to be discharged into the public sewers shall be in conformance with State Sanitary Code, Chapter I Part 16, Sections 16.7 and 16.8 of the Public Health Law, 6 NYCRR PART 380: Rules and Regulations for the Prevention and Control of Environmental Pollution by Radioactive Materials and

at all times within the limits set by this and other County, State, or Federal agencies.

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

(16) Any water or wastes containing strong acid metal, pickling wastes, or concentrated plating solutions whether neutralized or not.

(17) Materials which contain or cause unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulphate.

(18) Waters or wastes containing substances which are not amenable to treatment or reduction in concentration by the sewage treatment plant process employed, or amenable to treatment only to such a degree that the sewage treatment plant effluent will violate the most current NPDES and/or State Disposal system Permit or the receiving water quality standards.

(19) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water which has no chance of becoming contaminate or polluted, and unpolluted wastewater, unless specifically authorized by the Executive Director.

(20) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(21) Medical wastes, except as specifically authorized by the Executive Director in a wastewater discharge permit;

(22) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(23) Trucked or hauled pollutants, except at discharge points designated by the Executive Director in accordance with Article 8 of this law;

Section 903 - National Categorical Pretreatment Standards

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

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Executive Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard the Executive Director may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

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

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. Upon the promulgation of new or revised Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Sewer Use Law for sources in that subcategory shall immediately supersede the limitation imposed under this Sewer Use Law. The Executive Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Section 904 - Concentration Based Limitations

No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following substances in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit or as provided for in Section 903. Concentration limits are applicable to wastewater effluents at the point just prior to discharge into the POTW ("end of pipe" concentrations).

SOURCE EFFLUENT CONCENTRATION LIMIT

SUBSTANCE (1)	ALLOWABLE AVERAGE DAILY (mg/l) (2)
Arsenic	0.25
Boron	1.0
Cadmium	0.07
Chromium	0.6
Copper	1.0
Cyanide, (Total)	1.0
Cyanide (Free)	***0.1***
Formaldehyde as HCHO Vapor	***0.06***
Lead	1.0
Mercury	***0.05***
Methylene Chloride	***2.06***
Molybdenum	0.14
Nickel	***1.0***
Phenol, Total	2.25
Selenium	0.1
Silver	2.3
Tetrachloroethylene (PCE)	***0.71***
Trichloroethylene (TCE)	***0.53***
Zinc	3.0
Oil & Grease, Polar	100
Oil & Grease, Non Polar	25
pH	5.0 - 11.0 S.U.

(1) All concentrations listed for metallic substances shall be as "total metal", which shall be defined as the value measured in a sample acidified to a pH value of 2 or less, without prior filtration.

(2) As determined on a composite sample taken from the User's daily discharge over a typical operational and/or production day, except for cyanide, phenol, pH, and oil ***and*** grease which shall be determined using grab samples. ***For pH and oil and grease, the limit is instantaneous, not an average daily limit. The average daily means the average of all measurements during a calendar day or 24 hour period.***

The limits for organic pollutants other than those listed in this section and higher than the minimum detection limits as established by 40CFR Part 136 and/or the current edition of Standard Methods shall be set on a case by case basis. These limits shall be determined by the Executive Director using screening level criteria, process biological treatability, safety criteria, receiving water quality criteria, sludge disposal options, New York State Department of

Environmental Conservation's "Operational Guidance Manuals" and USEPA Guidelines etc.

Other substances which may be limited are: antibiotics; asbestos, chemical compounds which, upon acidification, alkalinization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable, or explosive compounds; pesticides, including algaecides, fungicides, herbicides, insecticides, rodenticides; polyaromatic hydrocarbons; viable pathogenic organisms from industrial processes or hospital procedures.

Section 905 - Mass Discharge Based Limitations

The Executive Director may impose mass discharge based limits on individual users for specific pollutants based upon a wastewater treatability analysis. Mass based discharge limits may be imposed for pollutants, which may have negative impact on the POTW, POTW employees or the receiving water. The Executive Director shall issue permits to significant industrial users and may issue permits to other industrial/ commercial users limiting the discharge of these substances. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading. In determining what portion of the total of each substance that each significant industrial user shall be allowed to discharge the Executive Director shall consider:

(1) the quantities of each substance that are uncontrollable because they occur naturally in wastewater,

(2) the quantities of each substance that are anthropogenic but are nonetheless uncontrollable,

(3) historical discharge trends,

(4) past pollution control efforts of each user as compared to other dischargers of the same substance,

(5) potential for growth in the POTW service area,

(6) potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method, and

(7) treatability of the substance. The Executive Director shall apply a 15 % safety factor protective of the POTW.

(Permits issued in accordance with this section may allow for discharges in excess of limitations set forth under Section 902.)

Section 906 - Modification of Limitations

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

(1) The limitations in this Law are not sufficient to protect the POTW,

(2) The limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit,

(3) The POTW sludge will be rendered unacceptable for disposal or reuse as the District desires, as a result of discharge of wastewater at the above prescribed concentration limitations,

(4) Municipal employees or the public will be endangered, or

(5) Air pollution odor and/or groundwater pollution will be caused.

The limitations on wastewater strength or mass discharge shall be recalculated not less frequently than once every five (5) years. The results of these calculations shall be reported to the District Board. This Law shall then be amended appropriately. Any issued industrial wastewater discharge permits which have limitations based directly on any limitations which were changed shall be revised and amended as appropriate.

Section 907 - Dilution

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

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

END OF ARTICLE 9

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 10

DISCHARGE PERMITS AND PRETREATMENT REQUIREMENTS

Section 1001- When Permits are Required
Section 1002- Wastewater Discharge Reports
Section 1003- Notification to Industrial Users
Section 1004- Wastewater Discharges
Section 1005- Wastewater Discharge Permits Required For Significant Industrial Users
Section 1006- Other Industrial Users
Section 1007- Discharge Permits to Storm Sewers Not Authorized
Section 1008- Application for Wastewater Discharge Permits
Section 1009- Permit Modifications
Section 1010- Permit Conditions
Section 1011A- Wastewater Discharge Permit Appeals
Section 1011B- Permit Duration
Section 1012- Permit Reissuance
Section 1013- Permit Transfer
Section 1014- Revocation of Permit
Section 1015- Reporting Requirements for Permittee
Section 1016- Accidental Discharge/Slug Control Plans
Section 1017- Flow Equalization
Section 1018- Monitoring Stations (Control Manholes)
Section 1019- Proper Design and Maintenance of Facilities and Monitoring Stations
Section 1020- Vandalism, Tampering with Measuring Devices
Section 1021- Sampling and Analysis
Section 1022- Pollution Concentration Determination
Section 1023- Volume Determination
Section 1024- Pollutant Concentration Disputed by a User
Section 1025- Pretreatment
Section 1026- Grease and Oil Interceptors
Section 1027- Combustible Gas Meters
Section 1028- Accidental Discharges
Section 1029- Posting Notices
Section 1030- Sampling and Sample Splitting
Section 1031- Access to Information
Section 1032- Access to Property
Section 1033- Access to Records of Users
Section 1034- Access to Easements
Section 1035- Liability of Property Owner
Section 1036- Executive Director Not Required to Issue Permits
Section 1037- Property Damage Protection
Section 1038- Violation of Permit

Section 1039- Special Agreements
Section 1040- Regulation of Waste Received From Individual Property Owners in Other Jurisdictions
Section 1041- Regulation of Waste Received From Area Within Other Jurisdiction
Section 1042- Bypass

Section 1001 - When Permits are Required

It shall be unlawful for any person to discharge directly into public sewers or into a private sewer, industrial waste, or sewage combined with industrial wastes, or other wastes the characteristics of which, alone or in combination do not conform to the concentration limits prescribed for "normal sewage" under Article 2 herein, or to discharge any toxic substances or any other objectionable material or substances as specified under Articles 3, 9, and 10 herein, except upon such terms and conditions as set forth in the wastewater Discharge Permit issued under the established rules of the Sewer District.

The Sewer District, after a hearing, shall either prevent the discharge of unacceptable water and wastes, or issue a permit which is properly conditioned upon findings and the standards of safety prescribed by this law or the rules of the Sewer District. The findings of the Sewer District shall include surcharges, pretreatment requirements, and any measure or combination of measures which are necessary to preserve the sewer system, its structures and equipment and the health, safety and well being of the POTW employees, the community and the biota of the receiving waters.

Section 1002 - Wastewater Discharge Reports

As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each industrial user shall be required to notify the Executive Director of any new or existing discharges to the POTW by submitting a completed Commercial/Non-Residential Wastewater Discharge Questionnaire and/or Industrial Wastewater Discharge Questionnaire to the Executive Director. The Executive Director may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the Executive Director deems necessary. All information shall be furnished by the user in complete cooperation with the Executive Director, within 30 days of a request.

Section 1003 - Notification to Industrial Users

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

Section 1004 - Wastewater Discharges

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

Section 1005 - Wastewater Discharge Permits Required For Significant Industrial Users

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

Section 1006 - Other Industrial Users

The Executive Director may issue Wastewater Discharge Permits to other users of the POTW. These shall include but not be limited to backwash from sand filters, and groundwater leachate.

Section 1007 - Discharge Permits to Storm Sewers Not Authorized

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

Section 1008 - Application for Wastewater Discharge Permits

Industrial users required to obtain a Wastewater Discharge Permit shall complete and file with the Executive Director an application in the form prescribed by the Rockland County Sewer District # 1, the application for discharge of industrial waste shall be accompanied by a fee of $375.00 or as set by the Board of Commissioners. The costs associated with the District's monitoring of discharges to the public sanitary sewer system will be covered by a corresponding increase in the number of units of use charged for the particular discharge as rounded up to the next whole unit. In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name and address of facility, operator, and owner.

(2) Environmental Permits: a list of any environmental control permits held by or for the facility. Copies of permits shall be supplied to the District when requested.

(3) SIC code of both the industry and any categorical processes according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.

(4) A list of categorical pretreatment standards applicable to each regulated process, where they apply.

(5) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Executive Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and daily average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and be taken and analyzed in accordance with procedures set forth in Sections 1021 & 1022 of this law.

(6) Time and duration of the discharge.

(7) Average daily peak wastewater flow rates in gallons per day, including daily, monthly, and seasonal variations, if any, as necessary to allow for use of the combined wastestream formula set out in 40 CFR 403.6(e). (8) Site plans, floor plans, mechanical and plumbing plans, and details as required to show all sewers, sewer connections, and appurtenances, by size, location, and elevation.

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

(10) Each product stored or produced by type, amount, process or processes, and rate of production.

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

(12) Total number of employees, and hours of operation, and proposed or actual hours of operation of the Pretreatment system.

(13) A statement whether or not the standards are being met on a consistent basis and if not whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable Standards.

(14) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, then the industrial user shall provide the shortest compliance schedule to accomplish such additional treatment and/or O&M. The completion date in this

schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to the compliance schedule:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(b) No increment referred to in (a) above shall exceed 9 months, nor shall the total compliance period exceed 18 months.

(c) No later than 14 calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Executive Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the Executive Director.

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

(16) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

(17) Any other information as may deemed by the Executive Director to be necessary to evaluate the permit application.

The Executive Director will evaluate the data furnished by the industrial user and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. After evaluation and acceptance of the data furnished, the District may issue a Wastewater Discharge Permit subject to terms and conditions provided herein. The permit may be denied in accordance with Section 1036 of this law.

Section 1009 - Permit Modifications

Wastewater Discharge Permits may be modified by the Executive Director, 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 Federal or State pretreatment standards or requirements, or in general discharge prohibitions and local limits as per Section 904 & 905 of this law,

(4) Significant alterations or additions in the operation or processes used by the permittee, or changes in discharge volume or character, since the time of wastewater discharge permit issuance.

(5) Change in the POTW that requires either a temporary or permanent reduction or elimination of an authorized discharge.

(6) Discovery that the permitted discharge causes or contributes to pass through or interference, and

(7) Changes in the nature and character of the sewage in the POTW as a result of other permitted discharges.

(8) Information indicating that the permitted discharge poses a threat to Districts POTW, District personnel, or the receiving waters;

(9) Violation of any terms or conditions of the wastewater discharge permit;

(10) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(11) To correct typographical or other errors in the wastewater discharge permit; or

(12) To reflect a transfer of the facility ownership or operation to a new owner or operator.

{Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 1013.}

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as set forth in Section 1008 (14)(a).

(Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.) Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required under Section 1001, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the Executive Director within 180 days after promulgation of an applicable National Categorical Pretreatment Standard the information required by Section 1008 herein.

Section 1010 - Permit Conditions

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

(A) Permits **must** contain the following:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Section 1013 of this law, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permits.

(3) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits, based on applicable pretreatment standards.

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to

be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

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

(B) Permits may contain but need not be limited to the following:

(1) Limits on the volume of sewage, the average and maximum rate and the time of discharge, or requirements for flow regulation and equalization.

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

(3) ***Specifications for monitoring programs. (which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.)***

(4) Compliance schedules

(5) ***Requirements for the installation of flow equalization facilities in accordance with Section 1017 herein. (Requirements for submission of technical reports or discharge reports.)***

(6) ***Requirements for the installation and maintenance (in safe conditions) of monitoring stations (inspection manholes) in accordance with section 1018 herein. (Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the District, and affording the Executive Director access thereto.)***

(7) Requirements for the installation and maintenance by the permittee, at his own expense, of such preliminary treatment facilities as shall be required by this Law, and by the rules of the Sewer District.

(8) Requirements for the installation and maintenance by the permittee, at his own expense, of the facilities to prevent accidental discharge of prohibited materials in accordance with Section 1028 herein.

(9) Requirements for the posting of a notice advising employees to call the District in the event of a dangerous discharge in accordance with Section 1015(6) and 1028 herein.

(10) Requirements for the notification of the District of any change in the manufacturing and/or pretreatment process used by the permittee.

(11) Requirements for the installation and maintenance by the permittee at his own expense, of grease, oil, and sand interceptors, handling of the liquid wastes containing such substances in excessive quantities or any flammable, or volatile waste or other harmful ingredients.

(12) Requirements for the submission to and approval by the Executive Director of plans for any of the facilities or equipment required to be installed and maintained by the permittee. Such approval shall not exempt the discharge of such facilities from compliance with any of the applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations to any such facilities and equipment shall not be made without due notice to and prior approval of the Executive Director. ***(Old 12-Requirements for the notification of the District of any introduction of new wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW).***

(13) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(14) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
(Old 14-Requirements for notification of excessive, accidental, or slug discharges).

(15) Other conditions as deemed appropriate by the Executive Director to ensure compliance with and carry out the intent of this Law, and State and Federal laws, rules, and regulations.

Such terms and conditions may also provide that subsequent to commencement of operations of any preliminary treatment facilities, periodic reports shall be made by the permittee to the Executive Director, setting forth adequate data upon which the acceptability of the sewage, industrial wastes or other wastes, after treatment, may be determined. The period of those reports will be determined by the Executive Director and such reports shall include but not be limited to constituent characteristics of any discharge. All such reports relating to compliance with pretreatment standards shall be made available to officials of the US Environmental Protection Agency or the DEC upon request. (Formerly number 20).

Section 1011A - Wastewater Discharge Permit Appeals

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

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

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

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

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

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition in the Supreme Court of the State of New York, County of Rockland, within 30 days after the final decision of the Executive Director.

Section 1011B - Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for a period less than five (5) years, at the discretion of the Executive Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Section 1012 - Permit Reissuance

The user shall apply for permit reissuance by submitting a complete permit application 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 Executive Director, during the term of the permit, as limitations or requirements, as identified in Section 1009, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1008 (14)(a).

Section 1013 - Permit Transfer

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

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(B) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the terms and conditions of the existing wastewater discharge permit.

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

Section 1014 - Revocation of Permit

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

(1) Failure to notify the Executive Director of significant changes to the wastewater characteristics or volume prior to a changed discharge;

(2) Failure to provide prior notification to the Executive Director of changed conditions pursuant to Section 1015(5) of this law;

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

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Executive Director timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permits application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

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

Revocation or suspension of the permit shall be made after a hearing and determination by the Sewer District. If a violation is found to be within the emergency powers of the Executive Director under Section 1208, the revocation is immediate upon receipt of notice. However, a hearing shall be held without delay.

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

Section 1015 - Reporting Requirements for Permittee

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

(A) The provisions of 18 USC Section 1001 relating to fraud and false statements;

(B) The provisions of Sections ***309(c)***(4) of the Act, as amended, governing false statements, representation or certification; and

(C) The provisions of Section309(c)(6) of the Act, as amended, regarding corporate officers.

The following reports are required:

(1) Baseline Monitoring Report

Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Executive Director a report which contains the information listed in Section 1008. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical

standard, shall submit to the Executive Director a report which contains the information listed in paragraph (1) thru (17) of Section 1008. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Executive Director a report containing the information described in Section 1008(4)(5)(7) & (15) of this law. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term reduction rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 1008(16) of this law.

(3) Periodic Compliance Reports

(a) ***Categorical Industrial users as well as noncategorical significant industrial users,*** after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Executive Director, during the months of June and December, unless required more frequently in the Pretreatment Standards or Permit or by the Executive Director, 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 the measured or estimated average and maximum daily flow for the reporting period. At the discretion of the Executive Director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Executive Director 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. All periodic compliance reports must be signed and certified in accordance with Section 1008(16) of this law.

(b) The Executive Director 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 Section 1015 (3)(a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of

the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Executive Director, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by the NYSDOH to perform the analyses.

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

(d) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Executive Director using the procedures prescribed in Section 1022(b) of this law, the results of this monitoring shall be included in the report.

(4) Violation Report

If sampling which is performed by the user indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Executive Director within 24 hours of becoming aware or receiving notice of the violation. The User shall take such steps as may be necessary to correct the situation immediately, and take 3 additional samples per violation following procedures in 40 CFR part 136 and part 403.12, including amendments thereto, and or as specified in their permit for the parameter which was violated. That sampling and testing shall be paid for by the user. The user may choose to have the District perform those tests, at a cost to be determined by the District. Analytical results ***of the repeat analysis*** must be reported to the District within 30 days of the date of becoming aware of the violation.

(5) Reports of Changed Conditions

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

(a) The Executive Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 1008 of this law.

(b) The Executive Director may issue a wastewater discharge permit under Section 1008 of this law or modify an existing wastewater discharge permit under Section 1009 of this law in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of fifty percent (50%) or greater, and the discharge of any previously unreported pollutants.

(6) Reports of Accidental Discharge

Users shall immediately notify the Executive Director by telephone of any accidental discharges in violation of this law or any Permit, in accordance with Section 1028. The user shall then prepare a detailed written report to be received by the Executive Director within five (5) business days of the occurrence in accordance with Section 1028.

(7) Users shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Any notification under this paragraph need be submitted only once for each hazardous waste discharged.

(8) Reports From Unpermitted Users

The Executive Director may impose reporting requirements equivalent to the requirements imposed by Section 1015(3) for users not subject to pretreatment standards.

(9) Date of Written Reports

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

Section 1016 - Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Executive Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Executive Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Executive Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including nonroutine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the Executive Director of any accidental or slug discharge, as required by Section 1028 of this law; and

(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.

(E) Any other requirement/s deemed necessary by the Executive Director.

Section 1017 - Flow Equalization

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day will be required to obtain a permit. The owner may be required to install and maintain, on his property and at his expense, a storage and flow control facility acceptable to the Executive Director to insure equalization of flow over a twenty-four (24) hour period. A wastewater discharge permit may be issued solely for flow equalization.

Section 1018 - Monitoring Stations (Control Manholes)

(a) All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has the potential to violate local limits or may cause Interference or Pass-Through or a blockage in the sewer system**,** may be required to install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(b) If there is more than one street lateral serving an Industrial User, the Executive Director may require the installation of a control manhole on each lateral.

(c) The Executive Director may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the Sampling of the wastewater or the atmosphere in the sewer system. Such station(s) shall be accessible and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Executive Director, or his designated representative.

Section 1019 - Proper Design and Maintenance of Facilities and Monitoring Stations

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

Section 1020 - Vandalism, Tampering with Measuring Devices

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

(a) Any structure, appurtenance, or equipment which is a part of the Rockland County Sewer District POTW, or

(b) Any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law.

Section 1021 - Sampling and Analysis

The reports required by this law must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period.

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law or by Rules of the Sewer District shall be carried out in accordance with procedures specified in 40 CFR Part 136 by a laboratory certified by NYSDOH to perform the analyses on the pollutant being tested. Laboratories which are Federally approved for the pollutant being tested may also be used. Such samples shall be taken at the approved monitoring stations described in Section 1018, 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, which is approved by the Executive Director, before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of

individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

Section 1022 - Pollution Concentration Determination

(a) The pollutant concentration of any sewage, industrial waste or other wastes shall usually be determined from representative samples of effluent discharged to Sewer District Sewers or public sewers tributary thereto which are taken by the Sewer District, their designated agent, or a qualified personnel working for the user and approved by the District, at sampling stations as described under Section 1009, and 1018 of this Article, at any period or time, and of such duration and in such manner as the Executive Director may elect, or at any place or manner mutually agreed upon between the user and the Executive Director. The intent of any sampling procedure is to establish the pollutant concentration in the wastewater discharged during an average or typical working day, including any cleanup shift. This concentration may be derived according to the best judgement of the Executive Director.

(b) Except as indicated in this Section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Executive Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) The analysis of samples taken shall be performed in a laboratory in accordance with Section 1010. The surcharge and/or the acceptability of the wastes shall be determined from said analysis. All pollutant analyses, including sampling techniques, which are submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(d) All charges for surcharges shall be based on the analysis of the wastes from any plant or premises related to total volume of the wastes as determined under Section 1022a of this Article. The concentration of pollutants in sewage, industrial waste, or other waste once determined as prescribed under Section 1021 of this Article shall be used in calculating the sewer surcharge in accordance with the billing procedure of the Sewer District for the collection of charges, and shall remain in effect until the person shall prove or the Sewer District shall determine that a change in the manufacturing process, production or waste treatment of said company warrants a re-analysis for the determination of new pollutant

concentration of its wastes discharged from such premises into the Sewer District sewers or public sewers tributary thereto. The new pollutant concentration shall then be used in calculating new charges and shall become effective as of the date of the subsequent billing period.

(e) Whenever the physical or chemical characteristics of the wastewater discharged from a premise to the Sewer District sewer or public sewers tributary thereto might be expected to show appreciable periodic variations during the year, the Executive Director may average the results of two or more series of analyses taken to reflect these variations and thereby determine an average pollutant concentration except for pH, oil & grease, temperature, phenols, cyanide, sulfide, or volatile organics.

(f) If sampling performed by a user indicates a violation, the user must notify the Executive Director by phone or FAX within twenty-four (24) hours of becoming aware of the violation and in writing within five (5) business days. The user shall also repeat the sampling and analysis of three additional representative samples and submit the results of the repeat analysis to the Executive Director within thirty (30) days of becoming aware of the violation. If the Executive Director monitors at the user's facility during the resampling period, those samples may be utilized as part of the additional samples required to be taken during that period. The user shall reimburse the District for the cost of obtaining and testing samples which the user requires.

Section 1023 - Volume Determination

The Executive Director may use as the figure representing the number of cubic feet and/or gallons of wastewater discharged into the sewer system:

(1) the amount of water supplied to the premises by the local Water Company as shown on the meter if the premises are metered, or

(2) if premises are supplied other than by the local Water Company and such sources include but are not limited to wells, rivers or lake waters, such premises shall have metering devices installed which are approved by the District, at the owners expense, for measuring the volume of water used for the purpose of computing waste discharged from these sources and for billing purposes, or

(3) if such premises are used for an industrial or commercial purpose of such nature that the water supplied to the premises cannot be entirely discharged into the sewer system, the estimate of the amount of sewage discharged into the sewer system made by the Executive Director, or

(4) the number of cubic feet of wastewater discharged into the sewer system as determined by measurements and samples taken at an approved location or at a manhole installed by the Owner of the property served by the public sewer

system, at his own expense, in accordance with the terms and conditions of the permit issued by the Executive Director pursuant to Article 10 of this law, or

(5) a figure as determined by the Executive Director by any combination of the forgoing or by any other equitable method.

Section 1024 - Pollutant Concentration Disputed by a User

In the event that the pollutant concentration of the waste discharged from a premise to a Sewer District sewer or public sewer tributary thereto as determined under Section 1022 of this Article is disputed by a user, a program of resampling and gauging with subsequent chemical and physical analysis may be instituted as follows:

(a) The user must submit a request for re-sampling and gauging of the wastes to the Executive Director and bind himself to bear all of the expense incurred by the Sewer District in the re-sampling and gauging and subsequent analysis of the wastewater.

(b) A consultant or agency of recognized professional standing in the employment of the person must confer with representatives of the Executive Director in order that an agreement may be reached as to the various factors, which must be considered in a new sampling program.

(c) The consultant or agency of recognized professional standing employed by the person must be present or represented during there-sampling operation, unless waived by the Executive Director.

(d) Re-sampling must be performed when all waste producing processes are contributing wastes containing pollutants at normal/representative rate.

(e) The results of the re-sampling and re-analysis by an approved laboratory approved by the Executive Director shall be considered to be the current analysis of the wastewater discharged to the Sewer District or public sewers tributary thereto and shall be used for determining the surcharge and/or acceptability of the wastewater.

Section 1025 - Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Local Law and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limit limitations as specified by the EPA, the State, or this Law, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Sewer District shall be provided, operated and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the Sewer District for

review and shall be approved by the Sewer District before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user of the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Sewer District under the provisions of this Sewer Use Law. Any subsequent changes in the pretreatment facilities or operation shall be reported and be approved by the Sewer District prior to the User's initiation of the changes.

The Sewer District shall annually publish in the local daily newspaper a list of the users, which were in significant non-compliance with any pretreatment requirements or standards at least once during the twelve previous months. For the purpose of this provision, significant non-compliance shall be as defined in Section 202 herein. The notification shall also summarize any enforcement actions taken against the User(s) during the same twelve months. All costs incurred to publish the notice shall be borne by the user.

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

Section 1026 - Grease and Oil Interceptors

A. Grease and oil interceptors shall be provided when, in the opinion of the Executive Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oils, flammable substances, or other harmful substances; except that such interceptors shall not be required for single private living quarters or single living units, whereas they shall be required for multiple dwelling units or other buildings which generate a sufficient quantity of grease to cause a buildup of grease in the interceptor downstream of its connection to the public sewer, and for buildings which have large kitchens, cafeterias or centralized dining facilities. All interceptors shall be of type and capacity approved by the Executive Director and shall be located where they will intercept sewage from the facilities generating these substances prior to being mixed with other sewage, and where they will be easily accessible for cleaning and inspection. Where it is determined by the Executive Director or Superintendent that a grease trap is required for a building with multiple kitchens or cooking areas and it is prohibitively expensive to separate the plumbing from those areas to a common grease trap, individual grease traps or approved grease reclamation units or other measures to control the grease may be approved by the Superintendent or Executive Director. Exterior grease and oil interceptors at food service establishments shall be cleaned no less than every three months, while interior grease and oil interceptors at food service establishments shall be cleaned no less than every month. All grease and oil interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his or her expense. The addition of enzymes to the grease trap is not permitted. Records and receipts for cleaning, including the date, quantity of waste removed, and the name and address of the contractor removing the waste, shall be maintained and made available to district personnel for inspection at their request for at least three years. If, after being directed by the district to do so, interceptors are not constructed or maintained adequately, the district may do this work or arrange to have it done by others, then back charge the owner for the cost of this

work. If the owner does not pay the charges for this work, the unpaid charges shall be levied against the property owner as a lien against the property and collected in accordance with Section 1220 of this law. Grease removed from the interceptor shall not be discharged into the district's POTW without written permission from the Executive Director. The contractor shall keep records of the location of the final disposition of the grease removed from the interceptor. Those records shall also be made available for the district's inspection at its request for at least three years.

B. Biological treatments.

(1) A biological treatment may be added to a grease and oil interceptor.

(2) The use of a biological treatment shall not relieve the user of the obligation to regularly maintain the grease and oil interceptors pursuant to Subsection **A**. Failure to regularly maintain the grease and oil interceptors shall result in applicable sanctions despite the use of a biological treatment.

(3) Any vendor selling, installing or maintaining a biological treatment in an interceptor shall be required to provide the user with a notice stating: "The exclusive use of biological additives as a grease degradation agent is not acceptable grease and oil interceptor maintenance practice. The use of such additives does not relieve the user of the obligation to regularly maintain the grease and oil interceptor in accordance with Section 1026 of the Rockland County Sewer Law." Both the user and the vendor will sign a written statement (on a form developed by the Executive Director) confirming that the vendor has provided, and the user has received, such notice. The original signed statement shall be filed with the sewer district. A new statement shall be filed upon the renewal of a service contract with an existing vendor or the initiation of a service contract with a new vendor.

Section 1027 - Combustible Gas Meters

Users with the potential to discharge flammable substances may be required to install and maintain a combustible gas detection meter, alarm, automatic shut off valve, telemetering device etc which are approved by the Executive Director. They shall be installed in a location approved by the Executive Director at the owners expense, then calibrated per the manufacturers requirements and maintained at the owners expense.

Section 1028 - Accidental Discharges ***(SPCC Plan)***

Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately telephone and notify the Executive Director of the discharge of wastes in violation of this Law or any Permit.

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

(1) Breakdown of pretreatment equipment

(2) Accidents caused by mechanical failure, or negligence

(3) Other causes.

Where possible, such immediate notification shall allow the Executive Director to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Executive Director shall receive a copy of such report no later than the fifth business day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence. Such notification shall not relieve the user of any expenses, loss, damage or other liability, which may be incurred as a result of damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability, which may be imposed by this article or other applicable laws.

When required by the Executive Director, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Executive Director, for approval. ***(These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan).*** The plans and procedures shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 1029 - Posting Notices

In order that the Industrial User's employees be informed of the Districts requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Districts requirements and whom to call in case of an accidental discharge in violation of this Law. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Section 1030 - Sampling and Sample Splitting

The Executive Director shall have the power to take samples and make tests necessary to determine the nature and concentration of wastes. Whenever sewage, industrial wastes, or other wastes are believed to have characteristics other than those prescribed for "Sanitary Sewage" as defined in Article 2 herein, or are believed to contain toxic substances or other material or substances excluded from the POTW pursuant to the Rockland County Sewer Use Law or the rules and regulations of the Sewer District, are discharged into Sewer District sewers or public sewers tributary thereto from any premises. The Executive Director shall have the right to reassess his determinations by taking samples and tests at any time or by periodic rechecks, without notice to the person discharging such wastes.

Samples shall be taken and flow measurements made at the monitoring stations or other locations provided in accordance with Sections 1018 of this Law.

In the event that a control manhole or manholes have not been required, the samples shall be taken at a suitable and accessible point or points to be selected by the Executive Director and are specifically identified with the user.

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the District's 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 procedures. One of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the District for its own analysis.

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

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

Section 1031 - Access to Information

When requested, the Executive Director 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 Executive Director, 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.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes, shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, and/or the Pretreatment Programs, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. Such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceeding involving the persons furnishing the report. The Executive Director shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 1032 - Access to Property

The Executive Director and other authorized representatives of the District, representatives of EPA, NYSDEC, NYSDOH, and/or Rockland County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the District POTW, and with the provisions of this Law. 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 and to inspect for inflow or excessive infiltration sources. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law in accordance with Section 1033. 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, without interference from security measures such as guard dogs.

Refusal to permit the entry upon private lands required to perform the necessary work referred to in this section, shall be punishable by such penalties as may be prescribed under Article 12 of this Law.

If the Executive Director or his authorized representative have been refused access to a building,

structure, or property, or any part thereof, and are able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this law or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Executive Director may seek issuance of a search warrant from the Supreme Court, State of New York in the County of Rockland.

Section 1033 - Access to Records of Users

Users subject to the reporting requirements of this law shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this law and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the District, or where the user has been specifically notified of a longer retention period by the Executive Director.

Section 1034 - Access to Easements

The Executive Director, bearing proper credentials and identification, shall be permitted to enter all private premises through which the District holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the District's public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

Section 1035- Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1032 and 1034, the inspectors shall observe all applicable safety rules established by the owner and/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.

Section 1036 - Executive Director Not Required to Issue Permits

Notwithstanding any other provisions of this law, the Executive Director is not required to issue a wastewater Discharge Permit for the disposal of Industrial Wastes, if, in the opinion of the Executive Director and/or the Board of Commissioners of the Sewer District, such disposal of industrial wastes would upset the sewage treatment process or cause undue injury or harm to the sewer system, its structures and equipment and the health, safety and well being of the employees, the community and the biota of the receiving waters.

Section 1037 - Property Damage Protection

Any persons who maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Sewer District system or public sewer tributary thereto shall be in violation of this Law and subject to the penalties provided herein.

Section 1038 - Violation of Permit

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this law and subjects the wastewater discharge permittee to the sanctions set out in Article 11 of this law. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and Local law.

Section 1039 - Special Agreements

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

(1) Pass-through or cause interference

(2) Endanger the District employees, municipal employees or contractors working on the POTW

(3) Cause violation of the SPDES Permit

(4) Interfere with any Purpose stated in Sections 102 & 103

(5) Prevent the equitable compensation to the District for wastewater conveyance and treatment, and sludge management and disposal

(6) Cause odors

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

Section 1040- Regulation of Waste Received From Individual Property Owners in Other Jurisdictions

Prior to any users, which are located outside of the limits of RCSD No.1 being permitted to contribute wastewater to the District POTW, they shall submit the following to the Executive Director for approval:

(1) A resolution from the Municipality in which the property is located approving the property owner to hookup the sewers from that property to the Rockland County Sewer District No.1 sewer system.

(2) An executed covenant to Rockland County Sewer District No.1 with the following information: "

COVENANT TO RUN WITH LAND
FOR THE BENEFIT OF ROCKLAND COUNTY SEWER DISTRICT NO.1

COVENANT made this_____day of_____ 20__, by _____of _____, New York 1096_ called property owner: That owners of any part of the premises described in "Schedule A: annexed hereto, do agree that they shall abide by all rules, laws and regulations of the Rockland County Legislature as pertains to Rockland County Sewer District No.1, particularly Rockland County Sewer Use Law as it may be amended, and all other rules and regulations of the Rockland County Sewer District.

Further, said property owners agree that, upon tender to them of any demand for payment, for sewer charges affecting their property, authorized by the Board of Commissioners, Rockland County Sewer District No.1, 4 Route 340, Orangeburg, New York, said payments will be made within 30 days of demand. All charges to be made for such services shall include the annual operations and maintenance charges to all Rockland County Sewer District users, as well as a sum to be determined by the Rockland County Board of Sewer Commissioners, for area benefit costs charge to District users annually.

This covenant shall be binding upon each and every owner of the real property described, and

shall run with the land for so long as the property is connected to and served by the Rockland County Sewer District No.1, being a lieu on each lot, with interest and penalties to accrue at the same time and in the same manner as would accrue for any real property owner in the Rockland County Sewer District No.1

_____
OWNER

STATE OF NEW YORK
ss:
COUNTY OF

On this_____day of_____ 20____, before me personally came to me known, being by me duly sworn, did depose and say that he/she resides at _____, that he/she is the owner which executed the foregoing instrument; and that he/she signed his name hereto. "

The covenant must be:

(a) In recordable form, including subordination of all prior mortgages or other encumbrances.

(b) Accompanied by requisite fees for recording as set forth by County Clerk.

(c) Accompanied by an up-to-date Title Report and paid policy of title insurance.

(d) Acknowledged by the owner of the land.

(e) Accompanied by Schedule "A" which shall include a complete site survey and description of the property as set forth in the covenant.

(3) A sewer connection fee of $2,500.00 per unit of use or as determined by the Board of Sewer Commissioners.

(4) A completed application to connect to the RCSD NO.1 sewers including all required plans, insurance, bonds, and waivers.

(5) An easement agreement from all property owners on which the building lateral is constructed between the owners property and the sewer connection.

(6) A commercial/non-residential wastewater or Industrial wastewater discharge questionnaire, as applicable.

Section 1041 - Regulation of Waste Received From Area Within Other Jurisdiction

(A) If another municipality contributes wastewater to the POTW, the Executive Director shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by paragraph A, above, the Executive Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Executive Director may deem necessary.

(C) An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use law, which is at least as stringent as this law, and local limits, which are at least as stringent as those set out in ***Section 904*** of this law. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the District's law or local limits;

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

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

(4) A requirement for the contributing municipality to provide the Executive Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

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

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Executive Director access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the

purpose of inspection, sampling, and any other duties deemed necessary by the Executive Director; and

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

(9) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the POTW is located) has the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against non-compliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

Section 1042 - Bypass

(A) For the purposes of this section,

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

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

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

(C) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Executive Director, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Executive Director of an unanticipated bypass that exceeds applicable pretreatment standards at the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Executive Director may

waive the written report on a case-by-case basis if the oral report has been received as soon as the user became aware of the bypass.

(D) (1) Bypass is prohibited, and the Executive Director may take an enforcement action against a user for a bypass, unless

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

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

(c) The user submitted notices as required under paragraph (c) of this section.

(2) The Executive Director may approve an anticipated bypass, after considering its adverse effects, if the Executive Director determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

END OF ARTICLE 10
ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 11

GENERAL PROCEDURES OF THE SEWER DISTRICT

Section 1101- Public Information
Section 1102- Procedure for Adoption of Rules; Emergency Rules
Section 1103- Filing and Taking Effect of Rules
Section 1104- Publication of Rules
Section 1105- Petition for Adoption of Rules
Section 1106- Declaratory Opinions by the Executive Director; Declaratory Rulings of the Board of Commissioners Of the Sewer District
Section 1107- Contested Cases: Notice; Hearing; Records
Section 1108- Rules of Evidence; Official Notices
Section 1109- Examination of Evidence by Board of Commissioners
Section 1110- Decisions and Orders
Section 1111- Ex parte Consultations

Section 1112- Permits
Section 1113- Review of Contested Cases

Section 1101 - Public Information

The Board of Commissioners of the Sewer District shall:

(a) Adopt within its rules a description of its organization, stating the general course and method of operation and designate where applications, requests and submissions shall be made.

(b) Adopt rules stating the nature and requirements of all formal and informal procedures in applying for a license or permit, requesting a hearing, and submitting or opposing the adoption of any rule.

(c) Make all rules, orders, and statements of policy or interpretation used by the Sewer District in the discharge of its functions available for public inspection. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

Section 1102 - Procedure for Adoption of Rules; Emergency Rules

The Board of Commissioners for the Sewer District prior to the adoption of any new rules or amendment or appeal of any rule shall:

(a) Publish notice at least ten days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved; the time and place of the hearing and the manner in which interested persons may present their views.

(b) Afford all interested persons reasonable opportunity to submit data, views or argument, orally or in writing. Reasons for adoption and/or refusal of proposed rule(s) as well as the decision of the Board of Commissioners shall be recorded and made available for public inspection. If the Executive Director believes emergency action is required under Section 1208 the Board of Commissioners may waive notice and proceed without prior notice or hearing to adopt an emergency rule. The emergency rule shall be effective for a period of not longer than 120 days unless it is readopted under this section.

Section 1103 - Filing and Taking Effect of Rules

(a) The Executive Director shall file a certified copy of each rule with the County Clerk of Rockland and with the Clerk to the County Legislature. The Clerk to the Legislature will keep a permanent file, which may be inspected upon request during normal business hours.

(b) The rule shall be effective ten days after the filing except if the rule has been adopted under the emergency procedure (Section 1102[b]) then the rule is effective upon filing.

Section 1104 - Publication of Rules

The Board of Commissioners and/or the Executive Director shall compile, index and publish all effective rules. The compilation shall be supplemented as often as necessary. Copies of the compilation shall be open for inspection upon request at the office of the Board of Commissioners of the Sewer District during normal public hours; copies will be made available to the Board of Commissioners in accordance with the law.

Section 1105 - Petition for Adoption of Rules

Any interested person may petition the Sewer District requesting the promulgation, amendment, or appeal of a rule. Within 30 days after submission of a petition the Board of Commissioners shall either deny the petition in writing, stating its reasons or shall initiate rule making proceedings in accordance with Section 1102.

Section 1106- Declaratory Opinions by the Executive Director, Declaratory Rulings by the Board of Commissioners of the Sewer District

A formal request of the Executive Director for a declaratory opinion shall be acknowledged within ten days. The Executive Director may state his opinion of the petitioner's position and the policy of his office. The Board of Commissioners of the Sewer District shall be informed of all opinions and such opinions are not binding on the Board of Commissioners but shall be reviewed, with notice, upon a formal request of any party, the Executive Director, or the Board of Commissioners. After review the Board of Commissioners will issue a declaratory ruling to be filed in accordance with the provisions of Section 1103 of this Law.

Section 1107 - Contested Cases: Notice; Hearing; Records

(a) In a contested case, all parties shall be afforded opportunity for hearing after reasonable

notice, the hearing shall be conducted by the Board of Commissioners or a hearing officer appointed by the Board of Commissioners.

(b) The notice shall include:

(1) A statement of the time, place and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes and rules involved;

(4) A short and plain statement of the matters asserted. If the Sewer District or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application, a more definite and detailed statement shall be furnished.

(c) Unless precluded by law, informational disposition may be made of any contested case by stipulation, agreement, settlement, consent order or default.

(d) The record in a contested case shall include:

(1) All pleadings, motions, intermediate rulings;

(2) Evidence received or considered;

(3) A statement of matters officially noticed;

(4) Questions and offers of proof, objections, and rulings thereon;

(5) Proposed findings and exceptions;

(6) Any decision, opinion or report by the officer presiding at the hearing;

(7) All staff memoranda or data submitted to the hearing officer or members of the Board of Commissioners in connection with their consideration of the case.

(e) Oral proceedings or any part thereof shall be transcribed on request of any party and paid for by the requesting party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 1108 - Rules of Evidence; Official Notices

In contested cases:

(a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in non-jury civil cases in the Supreme Courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The Sewer District shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(c) A party may conduct cross-examinations required for a full and true disclosure of the facts;

(d) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of general recognized technical or scientific facts within the Sewer District's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded and opportunity to contest the material so noticed. The Sewer District's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Section 1109 - Examination of Evidence by Board of Commissioners

When in a contested case a majority of the members of the Board of Commissioners who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the Sewer District itself shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members who are to render the decision. The proposal for decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

Section 1110 - Decisions and orders

A final decision or order adverse to a party in a contested case shall be in writing or stated in the

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

Section 1111 - Ex parte Consultations

Unless required for the disposition of ex parte matters authorized by law, members or employees of the Sewer District assigned render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any issue of law, with any party or its representative, except upon notice and opportunity for all parties to participate. A member of the Sewer District:

(1) May communicate with other members of the Sewer District;

(2) May have the aid and advice of one or more personal assistants.

Section 1112 - Permits

(a) When the grant, denial, or renewal of a permit is required to be preceded by notice and opportunity for hearing, the provisions of this law concerning contested cases shall apply.

(b) When a permittee has made timely and sufficient application for the renewal of a permit or a new permit with reference to any activity of a continuing nature, the existing permit does not expire until the application has been finally determined by the Board of Commissioners and, in case the application is denied, or the terms of the new permit limited, until the last day for seeking review of the order of the Board of Commissioners or a later date fixed by order of the reviewing court.

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

Section 1113 - Review of Contested Cases

(a) A party, who has exhausted all administrative remedies available within the Sewer District and who is aggrieved by a final decision in a contested case, is entitled to review.

(b) Review of a rate-making determination shall be accomplished by petition to the Rockland County Legislature and/or a successor body designated pursuant to law.

(c) Review of other decisions are instituted by filing a petition in the Supreme Court of the County of Rockland within thirty days after the final decision of the Board of Commissioners or if a rehearing is requested within thirty days after the decision thereon. Copies of petition shall be served upon all parties.

(d) The filing of the petition does not itself stay enforcement of the Board of Commissioners' decision though a stay may be granted upon appropriate terms by the Board of Commissioners of the Rockland County Sewer District.

(e) Within thirty days after the service of the petition or within further time allowed by the court, the Board of Commissioners and/or the Executive Director shall transmit to the reviewing court the original copy of the entire record of proceeding under review.

END OF ARTICLE 11

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 12

ENFORCEMENT PROCEDURES AND PENALTIES

Section 1201- Enforcement Response Plan - (Enforcement Rules)

ADMINISTRATIVE REMEDIES
Section 1202- Notification of Violation
Section 1203- Consent Orders
Section 1204- Administrative or Compliance Orders
Section 1205- Administrative Fines
Section 1206- Cease and Desist Orders
Section 1207- Termination of Permit
Section 1208- Emergency Suspensions by Executive Director
Section 1209- Show Cause Hearing
Section 1210- Failure of User to Petition the Superintendent
Section 1211- Notice
Section 1212- Right to Choose Multiple Remedies

JUDICIAL REMEDIES
Section 1213- Civil Actions for Penalties
Section 1214- Court Orders
Section 1215- Criminal Penalties
Section 1216- Additional Injunctive Reliefs
Section 1217- Summary Abatement
Section 1218- Seek Damages
Section 1219- Remedies Non-Exclusive

MISCELLANEOUS
Section 1220- Delinquent Payments
Section 1221- Performance Bonds
Section 1222- Liability Insurance
Section 1223- Informant Rewards
Section 1224- Public Notification
Section 1225-Contractor Listings
Section 1226- Prohibited Discharge Standards
Section 1227 - Reporting of Violations to Other Agencies
Section 1228 - Other Laws and Actions Not Precluded

Section 1201 - Enforcement Response Plan - (Enforcement Rules)

The Executive Director shall prepare an Enforcement Response Plan. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

(1) Describe how the Executive Director will investigate instances of non-compliance.

(2) Describe the types of escalated enforcement actions that the Executive Director will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions.

(3) Adequately reflect the District's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

(1) Criteria for scheduling periodic inspection and/or sampling visits to POTW Users.

(2) Criteria, responsible personnel, and procedures to select and initiate an enforcement action.

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

Magnitude of the violation.
Duration of the violation.
Effect of the violation on the receiving water.
Effect of the violation on the POTW.
Effect of the violation on the health and safety of the POTW employees.
Compliance history of the User.
Good faith of the User.

and shall promote consistent and timely use of enforcement remedies.

The District's Board shall approve the Enforcement Response Plan. The Enforcement Response Plan provides for a consistent and timely approach to enforcement. The Enforcement Response Plan shall be reviewed at least every five years.

ADMINISTRATIVE REMEDIES

Section 1202 - Notification of Violation

Whenever the Executive Director finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Executive Director may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Executive Director mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Executive Director, 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. Nothing in this section shall limit the authority of the Executive Director to take action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 1203 - Consent Orders

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

Section 1204 - Administrative or Compliance Orders

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

The User may, within fifteen (15) calendar days of receipt of such order, petition the District Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Executive Director by registered mail. The District Board may then:

(1) Reject any frivolous petitions,

(2) Modify or suspend the order, or

(3) Order the petitioner to show cause in accordance with Section 1209 and may as part of the show cause notice request the User to supply additional information.

Section 1205 - Administrative Fines

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

Fines are payable within thirty (30) days of receiving notice to pay them, made payable to RCSD No.1. If payment is not received within thirty (30) days, the fine will be added to the owners tax bill.

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

The User may, within fifteen (15) calendar days of notification of the Executive Director's notice of such fine, petition the Executive Director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Executive Director by registered mail. The Executive Director may then:

(1) Reject any frivolous petitions,

(2) Modify or suspend the order, or

(3) Order the petitioner to show cause in accordance with Section 1209 and may as part of the show cause notice request the User to supply additional information.

Where a request has merit, the Executive Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Executive Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

Section 1206 - Cease and Desist Orders

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

(A) Immediately comply with all requirements; and

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

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

The User may, within fifteen (15) days of receipt of such order, petition the Executive Director to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Executive Director by registered mail. The District Board may:

(1) Reject any frivolous petitions,

(2) Modify or suspend the order,

(3) Order the petitioner to show cause in accordance with Section 1209 and may as part of the show cause notice request the User to supply additional information.

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

Section 1207 - Termination of Permit

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

(A) Violation of permit conditions.

(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 prior to discharge.

(D) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

(E) Violation of pretreatment standards in this law or a wastewater discharge permit.

Non-compliant industrial Users will be notified, by the Executive Director or the District Board by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of receipt of such notification, petition the District Board to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Executive Director by registered mail. The District Board may:

(1) Reject any frivolous petitions,

(2) Modify or suspend the termination,

(3) Order the petitioner to show cause in accordance with Section 1209 and may as part of the show cause notice request the User to supply additional information.

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

Section 1208 - Emergency Suspensions By Executive Director

The Executive Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Executive Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Executive Director or Board of Commissioners may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. A Review of the determination of the Executive Director or Board of Commissioners made pursuant to this section shall be made in accordance with and subject to the provisions of Section 1113 of this law.

(B) The Executive Director or Board of Commissioners may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of

the Executive Director that the period of endangerment has passed, unless the termination proceedings in Section 1207 of this law are initiated against the user.

(C) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Executive Director within 10 days of the date of occurrence and/or prior to the date of any show cause or termination hearing under Sections 1209 or 1207 of this law.

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

Section 1209 - Show Cause Hearing

The Executive Director may order any User appealing administrative remedies for violations of this Law to show cause, before the District Board, why an enforcement action, initiated by the Executive Director, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the District Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the District Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Such notice may be served on any authorized representative of the User, in accordance with section 1211. A show cause hearing shall not be a bar against, or be prerequisite for, taking any other action against the User.

The District Board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the District to conduct the hearing and;

(1) Issue, in the name of the District Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings,

(2) Take the evidence,

(3) Take sworn testimony

(4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District Board for action thereon.

After the District Board has reviewed the evidence, it may order the user to comply with the Executive Director's order or fine, modify the Executive Director's order or fine or vacate the Executive Director's order or fine.

Section 1210 - Failure of User to Petition the Executive Director

In the event the Executive Director 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 Executive Director, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Section 1211 - Notice

The notices, orders, petitions, or other notification which the User or Executive Director shall desire or be required to give pursuant to any sections of this law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this law shall be mailed to the User where the User's effluent is discharged into transmission lines to the District's POTW. Any notice, petition, or other communication mailed to the Executive Director shall be addressed and mailed to R.C.S.D. NO.1, #4 Route 340, Orangeburg NY 10962

Section 1212 - Right to Choose Multiple Remedies

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

JUDICIAL REMEDIES

Section 1213 - Civil Actions for Penalties

A user who has violated, or continues to violate, any provision of this law, a wastewater discharge permit, or order issued hereunder, or any other order or requirement shall be liable to the District for a maximum civil penalty of $1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

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

Section 1214 - Court Orders

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

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

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

The District's counsel, at the request of the Executive Director, shall petition the Court to

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

Section 1215 - Criminal Penalties

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

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

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

Section 1216 - Additional Injunctive Relief

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

Section 1217 - Summary Abatement

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

If the User is not within the geographic boundaries of the District, the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Executive Director 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 POTW or the environment.

Section 1218- Seek Damages

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

Section 1219- Remedies Non-Exclusive

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

MISCELLANEOUS

Section 1220 - Delinquent Payments

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

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

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

Nothing in this Article shall prohibit the Board of Commissioners or the County of Rockland from bringing any action or proceeding in a court of competent jurisdiction to recover any penalty imposed under this law.

Section 1221 - Performance Bonds

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

Section 1222 - Liability Insurance

The Executive Director may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

Section 1223 - Informant Rewards

The Executive Director is authorized to pay up to $500 for information leading to the discovery of non-compliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, the Executive Director is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed $10,000, including the discovery reward.

Section 1224 - Public Notification

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

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria;

(C) Any other discharge violation that the Executive Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

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

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

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s) which the Executive Director determines will adversely affect the operation or implementation of the local pretreatment program.

Section 1225 - Contractor Listings

(A) 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 District.

(B) Existing contracts for the sale of goods or services to the District held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the District Board.

Section 1226 - Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 902A of this law or the specific prohibitions in Sections 902B(3) through 902B(23), of this law if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

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

Section 1227 - Reporting of Violations to other Agencies

The Board of Commissioners shall report industrial waste discharges consistently failing to achieve County, State, or Federal pollution standards to appropriate local, State, and Federal

agencies. The Executive Director shall assist appropriate local, State, and Federal agencies' as necessary in their review or action upon such report.

Section 1228 - Other Laws and Actions Not Precluded

Proceedings under this law do not preclude enforcement of any ordinances, criminal statutes or laws of the State of New York by either the County of Rockland or the State of New York.

An action or proceeding may be brought by the Board of Commissioners and/or the County of Rockland in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this law notwithstanding the provisions of this Article for penalty or other punishment**.**

END OF ARTICLE 12

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 13

CHARGES

Section 1301-Legislative Intent
Section 1302-Schedule of Units of Use
Section 1303-Annual Sewer Rent
Section 1304-Date of Payment; Lien Date; Penalties
Section 1305-Pro-rata Sewer Rent
Section 1306-Sewer Rent Refund
Section 1307-Joint Office Space
Section 1308-Office Occupancy and Notification of
Section 1309-Garbage Disposal Units and Notification
Section 1310-Part Time and Off Premise Employer
Section 1311-Additional Industrial Unit Charges
Section 1312-Pretreatment Program Costs
Section 1313-Charges for Scavenger Wastes
Section 1314-Capital Recovery from Industrial Users
Section 1315-Fees for Services By The District to Others
Section 1316-Collection of Charges
Section 1317-Impact Fees
Section 1318-Sewer Operating Fund
Section 1319-Records and Accounts

Section 1301 - Legislative Intent

It is the intention of the Legislature of Rockland County by the adoption of this article to establish and impose sewer rents for the Rockland County Sewer District No. 1 and/or any successor body, agency, commission or authority charged with the duty of operation and maintenance of the Rockland County Sewer District No. 1 and/or any additional sewer disposal districts or systems formed pursuant to the provisions of the County Law and the General Municipal Law in accordance with the provisions of Article 14-f of the General Municipal Law, Article 5-A of the County Law, and any other applicable law.

Section 1302 - Schedule of Units of Use

The basis of the charge for the sewer rents to be paid by the owners of real property, which is occupied by users within the District, shall be determined from the following schedule of units of use.

Classification of Property	Units of Use
One-family dwelling	1
Each separate apartment in a two-family, three-family or multiple dwelling	1
Garbage disposal units, each	1
Pool backwash from residential pool	1
Mobile home	1
Combination one-family home with a professional or business office that has an average of less than3 occupants (see note 3)	1 1/2
Combination one-family home with a professional or business office that has3 or more occupants or otherwise, in the opinion of the Executive Director, generates flow greater than the equivalent of 1/2 unit of use (see note 3)	2
Hotels or motels (no meals), each 3 rooms or part thereof	1
Hotels (American plan with meals), each 2 rooms (see note 2)	1
Rooming houses (no meals served on premises to roomers), for each 4 beds or part thereof (see note 1)	1
Residences for adults or youths; boardinghouses, group homes and hostels (majority of residents remain on premises, meals served), for each 3 beds or part or part thereof (see notes 1 and 2)	1
Business offices, for each 5 occupants or part thereof (see notes 3 and 4)	1
Medical offices (including dentists), for each 4 occupants or part thereof (see notes 3 and 4)	1
Stores and commercial establishments, for each 5 occupants or part thereof (see note 3)	1

Industrial Facilities- (shall be any enterprise which produces industrial waste as

defined by Section 202) - One unit for each 220 gallons per day of flow during the year 2006 and increasing to one unit for each 215 gallons per day of flow during the year 2007 and thereafter, plus additional units which shall be assigned by the Executive Director based upon the quality of sewage, in accordance with section 1311 of this law. Units based upon flow may be subject to re-evaluation by the Board of Commissioner every two years.

Year	***Flow Per Unit (gpd)***
2006	***220***
2007	***215***

Laundromats:

for each two washing machines less than 25 lb capacity or equivalent	1 unit
for each washing machine 25 lb capacity and over or equivalent	1 unit

Laundries: based on capacity and units to be assigned by the Executive Director in accordance with Section 1311, if applicable

Car laundries: based on capacity and units to be assigned by the Executive Director in accordance with Section 1311, if applicable

Physical Fitness Establishments: for each 25 users (avg. / day)	1 unit
Dance & Gymnastics studios: for each 100 users (avg. / day)	1 unit
Ice & Roller Rinks: each 50 users (avg. / day)	1 unit
and each 60 spectators (avg. / day)	1 unit
Summer camps (6 months): each 40 campers without lunches served (avg/day)	1 unit
or each 30 campers with lunches served (avg. / day)	1 unit
Golf courses: each toilet or urinal	1 unit
Racquet courts: each court	3 units
Country club: each 10 members (for full yr.)	1 unit
(additional units assigned for overnight accommodations and food service for non-club members)	
Parks: each toilet, urinal, or shower (for full yr. operation)	1 unit
Swimming pools: each 25 swimmers (average/day/season) (for full yr. operation)	1 unit

Pool Filter backwash: (large public pools) 1 unit based on capacity and units assigned by the Executive Director in accordance with Section 1311, if applicable — 1 unit

Taverns - Discos - Juice Bars - Adult Entertainment: (little or no food service): each 12 seats or stools, or part of with a minimum of 3 units. — 1 unit

Eating Establishment: (bar seats and stools shall be included in seat count)

15 seats or less	***4 units***
16 to 20 seats	***5 units***
21 to 25 seats	***6 units***
26 to 35 seats	***7 units***
36 to 50 seats	***8 units***
51 to 80 seats	***9 units***
81 to 120 seats	***10 units***
each 50 seats or part above 120 seats	***2 units***

Catering Hall: Assign 40% of the number of units assigned for full seating capacity of "Eating Establishments" as rounded up to the next whole unit.

Catering Takeout or Delicatessen: each ***2 employees*** — ***1 unit***

Bakeries and Bagel Shops: each ***2 employees*** — ***1 unit***

Kiosks-In shopping Centers

Each Kiosk with plumbing	***1 unit***
Each 5 kiosks without plumbing	***1 unit***

Schools, public-private-parochial:

Day Care/Pre School and Nursery School-for each 60 pupils prorated for an 8 hour day	***1 unit***
Elementary - for each sixty pupils	1 unit
Junior High School - for each fifty four pupils	1 unit
Senior High School - for each forty two pupils	1 unit

Colleges:

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

Churches-synagogues-temples- and other places of worship: (plus School Sessions)

Small congregation: under one hundred families	1 unit
Medium congregation: one hundred to two hundred fifty families	2 units
Large congregation: over two hundred fifty families	3 units
For part time week day schools add one unit	

Public Mikvah: Units to be assigned by the Executive Director based upon the estimated average daily usage from all the facilities in the building, calculated using the same flow per day for each unit assigned to calculate units for Industrial Users above

Funeral Parlors: each viewing room	1 unit
Theaters: for each sixty seats or part of	1 unit
Libraries: each five occupants or part of	1 unit
Bowling alleys: for each three lanes	1 unit
Hospitals: for each four beds (see note 1)	3 units
Convalescent homes: Nursing Homes - for each two beds (see note 1)	1 unit
Veterinarians: for each five occupants (see note 3)	1 unit
Service stations: each toilet or urinal	1 unit
Beauty Salons and Barber Shops:	
Up to three customer service stations	2 units
four to five customer service stations	3 units
six or more service stations	4 units
(Count each shampoo facility as a Customer service station)	
Fire houses: (Add units for bars or eating facility)	1 unit

Highway Rest Stops: 15% surcharge on top of unit count

NOTES:

(1) Where beds are referred to as the index of unit charges, the maximum capacity approved by the appropriate governmental authorities shall be determinative of

such computation of beds.

(2) Meals included with rooming facilities shall mean meals served either in rooms or in central eating area. Where the central eating area is open to others in addition to those staying at that facility, units shall be assigned based upon no meals, with separate units assigned to the eating facility as a food service.

(3) Occupants are defined as owners, managers, employees, or volunteer workers.

(4) Each office space which is used by a separate owner and/or tenant shall be treated as a separate office space for the purpose of assigning units of use, regardless of the use of a common bathroom facility between them. A group of small offices having a common receptionist and waiting room shall be treated as one office.

Section 1303 - Annual Sewer Rent

There is hereby established and imposed an annual sewer rent on all users to be determined by multiplying the unit charge times the number of units assigned to each user based upon the schedule of units of use in Section 1302 of this Article. The unit charge shall be established annually by the Executive Director and Board of Commissioners and adopted annually by the Rockland County Legislature at the time of the adoption of the County budget. Local municipalities may impose an additional sewer rent for their purposes.

Section 1304 - Date of Payment; Lien Date; Penalties

All county sewer rents shall become due and payable at the same time and in the same manner as county taxes. Sewer rents shall constitute a lien upon the real property of the users on the first day of January in each year. Penalties and interest for sewer rents in arrears shall be imposed and collected in the same manner as they are imposed on county taxes, or as otherwise provided for in accordance with Section 1220.

Section 1305 - Pro-rata Sewer Rent

Anything to the contrary notwithstanding in this law, if a property owner in the District becomes a user as defined herein between the first day of January and the thirty-first day of October in any year the sewer rent for such year shall be pro-rated for the number of months commencing with the month in which such owner becomes a user and ending with the last month of such year and shall be paid at the time such owner becomes a user. A property owner is required to connect to a sanitary sewer when it becomes available, in accordance with Section 307 of this law, and will therefore be considered a user at that time. In the event the sewer rent is not paid at such time, **interest shall accrue on the unpaid amount at the rate of 1% per month from the effective date. This will be considered a delinquent payment, and shall be collected with interest**

and penalties in accordance with Section 1220. If a property owner within the District becomes a user as defined herein between the first day of November and the thirty-first day of December in any year the sewer rent for such year shall be pro-rated for the number of months commencing with the month in which such owner becomes a user and ending with the last month of such year. Such pro-rated sewer rent if not paid at such time, shall be added to the annual sewer rent due plus interest of 1% per month from the effective date of use and payable during the year following the next succeeding year and shall be collected at the same time and in the same manner as the annual sewer rent.

Section 1306 - Sewer Rent Refund

Overpayments of sewer rent shall be refunded to users upon a written request by the user, and verification of the overpayment by the District. The user must accompany a request for refund with the tax lot and block number of the lot, proof of payment of the sewer rent, and either the employer's identification number if the property is a business, or the owner's social security number if the property is residential. Refunds of the sewer rent will be effective from the date of receipt of a written request and will not be retroactive prior to the date of written request unless sufficient documentation can be submitted to justify (in the opinion of the Executive Director) that a change in status occurred at a prior date. In no event, shall any overpayment be refundable for more than one year from the date of written request for overpayment.

Section 1307 - Joint Office Space

Each office space which is used by a separate owner and/or tenant shall be treated as a separate office space for the purpose of assigning units of use, regardless of the use of a common bathroom facility between them. A group of small offices having a common receptionist and waiting room may be treated as one office.

Section 1308 - Office and Store Occupancy and Notification of

Each separate office or store space within a building shall be assessed a minimum of one unit of use regardless of whether it is occupied or not after it has received its' certificate of occupancy or has been occupied. An owner must notify the District on or before the date, which a space is to be occupied for use. Sewer rent will be imposed beginning on that date and will be prorated for the percentage of a year during which it is occupied. If the owner fails to notify the District by registered mail or facsimile that a space has been occupied for use, and the District subsequently becomes aware of this, then sewer rent shall be imposed for that space beginning on the date of occupancy or issuance of a certificate of occupancy, whichever occurs earlier. Sewer rent will be reduced to one unit on the date which an owner notifies the District by registered mail or by facsimile, and the District subsequently verifies that a space has been vacated.

Section 1309 - Garbage Disposal Units and Notification

Municipal Building inspectors shall notify the Sewer District when a Certificate of Occupancy is issued for a living unit with a garbage disposal unit, or when a garbage disposal unit is added to a living unit. If a garbage disposal unit is removed from a living unit, the building inspector or owner shall notify the District when it is removed. The owner and/or tenant shall cooperate in allowing access by District Personnel to verify the installation or removal of a garbage disposal unit.

Section 1310 - Part Time and Off Premise Employees

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

Section 1311 - Additional Industrial Unit Charges

The additional units for industrial / commercial establishments to be added to the established district flow rate shall be the product of the sewer surcharge factor and the established District flow rate charge as shown in the schedule of units of use for industrial plants in Section 1302. The general form for the determination of the surcharge factor (S.F.) shall be as follows:

Total units = U + (S.F. x U)

$$S.F. = a\,\underline{(BOD-250)} + b\underline{(SS-300)} + c\underline{(P-n)} \;\ldots\ldots\ldots$$

Where:

U = Units determined by flow rate per Section 1302

S.F. = Surcharge Factor

BOD = Milligrams per liter of Biochemical Oxygen Demand as defined in Section 202 (Minimum = 135)

SS = Milligrams per liter of Suspended Solids as defined in Section 202 (Minimum = 160)

P = Milligrams per liter of any identifiable pollutant affecting the strength of the

sewage or having an effect on the sewer system, the treatment plant process or the receiving waters of the effluent from the treatment plant. (Minimum = ½ the maximum value allowed in the permit)

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

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

c = Proportion of operations and maintenance cost for treatment of the identifiable pollutant.

n = Normal value as stated in the definition for sewage - normal in Section 202.

NOTES:

(1) The values for a, b, or c shall be determined by the Executive Director on a yearly basis from data accumulated during each preceding year from the costs of treatment.

(2) More than one identifiable pollutant may be present in the sewage and each such pollutant therefore shall appear as an additional term in the formula for determination of the sewer surcharge factor.

(3) The total number of units to be charged shall not be less than that calculated by dividing the flow rate by 400 g.p.d. / unit and eliminating all negative surcharge factors.

Section 1312 - Pretreatment Program Costs

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

(1) Reimbursement of costs of setting up and operating the pretreatment program
(2) Issuing permits
(3) Monitoring, inspections, and surveillance procedures
(4) Costs of equipment and supplies
(5) Reviewing accidental discharge procedures
(6) Reviewing self monitoring reports
(7) Construction inspections
(8) Filing appeals
(9) Application for consistent removal status as outlined in 40 CFR 403

(10) Other reasonable expenses, which the District may deem necessary to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government.

Section 1313 - Charges for Scavenger Wastes

The charge for dumping septage into the POTW shall be set by the Board of Sewer Commissioners. The manner of determining the volume dumped shall be at the discretion of the Executive Director.

Section 1314 - Capital Recovery from Industrial Users

The District may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

Section 1315 - Fees For Services By The District to Others

The District may contract with private and municipal entities to provide services to them such as the flushing, televised inspection, and/or sealing of sewers, the operating of wastewater facilities, etc., both in and out of the District. The Executive Director shall establish the rates to be charged for these services.

Section 1316 - Collection of Charges

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

Section 1317 - Impact Fees

The District Board of Commissioners shall have the authority to impose impact fees on new development or rezoning, which development may: (See Section 502 A)

(1) Cause enlargement of the service area of the POTW

(2) Cause increased hydraulic and/or treatment demands on the POTW

Section 1318 - Sewer Operating Fund

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

(1) Monies in this fund shall be used exclusively for the following functions:

(a) For the payment of the operation and maintenance, including repair and replacement costs of the District POTW,

(b) For the discovery and correction of inflow and infiltration,

(c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the District POTW, and

(d) For the extension, enlargement, replacement of, and/or additions to the District POTW, including any necessary appurtenances.

Section 1319 - Records and Accounts

The District shall maintain and keep proper books of records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The District will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

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

END OF ARTICLE 13

ROCKLAND COUNTY SEWER USE LAW AS LAST AMENDED IN 2010

ARTICLE 14

PUBLIC DISCLOSURE OF POTW OPERATIONS

Section 1401-POTW Operations Open to the Public
Section 1402-Procedural Requirements Available
Section 1403-Validity Through Public Inspection

Section 1401- POTW Operations Open to the Public

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

Section 1402- Procedural Requirements Available

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

Section 1403- Validity Through Public Inspection

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

END OF ARTICLE 14

ARTICLE 15

CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

Section 1501-Conflicts
Section 1502-Severability
Section 1503-Effective Date

Section 1501- Conflicts

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

Section 1502- Severability

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

Section 1503- Effective Date

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

END OF ARTICLE 15

END OF LAW