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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
MAR 05 2003

~~County~~  
~~City~~ of Rotterdam  
~~Town~~  
~~Village~~

Local Law No. THREE (3) of the year 2003

MISCELLANEOUS  
& STATE RECORDS

A local law to amend the Code for the Town of Rotterdam  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~COUNTY~~  
~~CITY~~ of Rotterdam as follows:  
~~Town~~  
~~Village~~

LOCAL LAW NO. THREE (3)  
OF THE YEAR 2003

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ROTTERDAM

SECTION 1. Amend the Code of the Town of Rotterdam as follows:

- I. Delete: §230-4. Definitions; word usage.
- II. Replace with:

§ 230-4. Definitions.

A. As used in this Part 2, the following terms shall have the meanings indicated:

ACT or THE ACT – The Federal Water Pollution Control Act, also known as the “Clean Water Act, as amended,” 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY – The Director in a National Pollutant Discharge Elimination System state with an approved state pretreatment program and the Administrator of the Environmental Protection Agency in a non-National Pollutant Discharge Elimination System state or National Pollutant Discharge Elimination System state without an approved state pretreatment program.

**AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER:**

- A. A principal executive officer of at least the level of Vice President, if the industrial user is a corporation.
- B. A general partner or proprietor, if it is a partnership or proprietorship, respectively.
- C. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

**BOD** (denoting "biochemical oxygen demand") – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN** – That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

**BUILDING INSPECTOR** – The Building Inspector of the Town of Rotterdam or his duly authorized assistants.

**BUILDING SEWER** – The extension from the building drain to the public sewer or other place of disposal.

**CATEGORICAL STANDARDS** – National Categorical Pretreatment Standards or pretreatment standard.

**COMBINED SEWER** – A sewer receiving both surface runoff and sewage.

**COMMISSIONER OF HEALTH** – The Director of the Schenectady County Department of Health or his/her duly authorized assistants.

**CONTROL AUTHORITY** – The approval authority, defined above, or the Director, if the town has an approved pretreatment program under the provisions of 40 CFR Part 403.11. (Amended 12-12-1988 or Ord. No 88-91).

**COOLING WATER** – The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DEPARTMENT** – The Department of Public Works, the Town of Rotterdam, NY.

**DIRECT DISCHARGE** – The discharge of treated or untreated wastewater directly to the waters of the State of New York.

**DIRECTOR** – The Town Engineer.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** – The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**FLASH POINT LIMITATION OF 140° F. OR 60° C.** – Prohibits discharges of pollutants with closed-cap flashpoint of less than 140° F. or 60° C.

**GARBAGE** – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.

**GRAB SAMPLE** – A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**HOLDING TANK WASTE** – Any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**INDIRECT DISCHARGE** – The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the publicly owned treatment works (including holding tank waste discharged into the system).

**INDUSTRIAL USER** – A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**INDUSTRIAL WASTES** – The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INTERFERENCE** – The inhibition or disruption of the publicly owned treatment works treatment processes or operations, which contributes to a

violation of any requirement of the Town's State Pollutant Discharge Elimination System permit. The Term includes prevention of sewage sludge use or disposal by the publicly owned treatment works in accordance with Section 405 of the Act (33 U.S. C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the publicly owned treatment works.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARDS** – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT** – A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARDS** – Any regulation developed under the authority of 307(b) of the Act and 40 CFR Part 403.5.

**NATURAL OUTLET** – Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW SOURCE** – 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.

**NYSDEC** – The New York State Department of Environmental Conservation or its duly authorized representative.

**PASS THROUGH** – A discharge which exits the publicly owned treatment works into waters of the United States of America in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the publicly owned treatment works facility and/or National Pollutant Discharge Elimination System permit (including an increase in the magnitude or duration of the violation).

**PERSON** – Any individual, firm, company, association, society, corporation or group.

**pH** – The logarithm of the reciprocal of the weight to hydrogen ions in grams per liter of solution.

**POLLUTANT** – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**POLLUTION** – The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

**POTW TREATMENT PLANT or SEWAGE TREATMENT PLANT** – That portion of the publicly owned treatment works designed to provide treatment to wastewater.

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

**PRETREATMENT or TREATMENT** – The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means except as prohibited by 40 CFR Part 403.6(d).

**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 with no particle greater than ½ inch (1.27 centimeters) in any dimension.

**PUBLICLY OWNED TREATMENT WORKS (POTW) or SEWAGE WORKS** – A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the “POTW” treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part 2, “POTW” shall also include any sewers that convey wastewaters to

the "POTW" from persons outside the town who are, by contract or agreement with the town, users of the town's "POTW".

**PUBLIC SEWER** – A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWER** – A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SIGNIFICANT INDUSTRIAL USER** – Any industrial user of the town's wastewater disposal system who has a flow greater than 5% of the flow in the town's wastewater treatment system; has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or New York State statutes and regulations; or is found by the town, or New York State Department of Environmental Conservation or the United States Environmental Protection Agency (EPA), to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of residuals, the systems effluent quality or air emissions generated by the system; or is a categorical industry as defined by the EPA.

**SPDES** -- State Pollutant Discharge Elimination System.

**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, or its most recent edition.

**STATE** – The State of New York.

**STORM DRAIN or STORM SEWER** – A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**STORMWATER** – Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS** – Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**TOWN** – Town of Rotterdam, New York.

**TOWN ENGINEER** – Engineer or person responsible for operation of the Department of Public Works and the POTW.

**TOXIC POLLUTANT** – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provision of Clean Water Act Section 307(a) or other Acts.

**USER** – Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

**WASTEWATER** – The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WASTEWATER CONTRIBUTION PERMIT or WASTEWATER DISCHARGE PERMIT** – As set forth in § 230-33.2 of this Part 2.

**WATERCOURSE** – A channel in which a flow of water occurs, either *continuously or intermittently*.

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

**B. Word usage.**

“Shall” is mandatory; “may” is permissive.

**III. Delete: §230-5. Deposit of objectionable wastes prohibited.**

**IV. Replace With:**

**§230-5. Policy statement: unpolluted water.**

- A.** It is one explicit purpose of these rules, regulations and ordinances to deter prevent and eliminate, as far as possible, the introduction of unpolluted waters into the Town of Rotterdam sanitary sewer system and all sewers tributary thereto. However, it is recognized that in certain areas the immediate enforcement of these rules, regulations and ordinances against existing subsurface drainage connections would be unfeasible and unreasonable.

**B.** This statement shall not be construed to mitigate in any way the enforcement of these rules and regulations and ordinances against the construction of any new sanitary sewers or against any new connections discharging unpolluted waters to the Town of Rotterdam sanitary sewage system, or sewers tributary thereto, or to the alleviation of unreasonable flows of unpolluted waters; nor shall this statement of policy be used as a reason or not making any changes which may be ordered by governmental regulatory agencies.

**V.** Delete §230-6. Discharge of polluted water to natural outlets restricted.

**VI.** Replace With:

**§ 230-6. Discharge of sewage to natural outlets.**

It shall be unlawful to discharge to any natural outlet within the Town of Rotterdam or in any area under the jurisdiction of said town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 2.

**VII.** Delete §230-8. Installation and connection of toilet facilities.

**VIII.** Replace With:

**§230-8. (Reserved)**

**IX.** Delete §230-16. Time period for connection to public sewer.

**X.** Replace With:

**§230-16. (Reserved)**

**XI.** Add new §230-28.1.

**§230-28.1. Point of discharge.**

No person shall discharge substances directly into a manhole or other sanitary opening in a sanitary sewer, other than through an approved building sewer.

**XII.** Add new §230-28.2.

**§230-28.2. Holding tank waste.**

No person shall discharge any holding tank waste into a manhole or other opening in a sanitary sewer. All holding tank waste discharged within the Town of Rotterdam POTW system shall be discharged at a facility at

locations designated by the Town Engineer. Each separate load of holding tank waste shall be registered with the operator of the treatment facility. The user shall pay the applicable charges and fees and shall meet such other conditions as required by the Department. The Department shall have the right to inquire about the type of waste, the approximate volumes and the origin of holding tank wastes. The transporter of such wastes shall also have a waste haulers permit from the NYSDEC.

**XIII. Delete §230-29. Discharge of unpolluted water restricted.**

**XIV. Replace With:**

**§230-29. Permitted discharge of unpolluted water.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated by the Town Engineer. Industrial cooling water or unpolluted process waters may be discharged on issuance of a permit, as described in § 230-33.1 of this chapter, to a storm sewer or combined sewer.

**XV. Delete §230-30. Prohibited wastes.**

**XVI. Replace With:**

**§ 230-30. Prohibited discharges.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the Town of Rotterdam POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to the Town of Rotterdam POTW:

- A. Any liquids, solids 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 fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
  1. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to, grease and garbage with particles greater than ½ inch in any dimension.

2. Any wastewater having a pH less than 5.5 or greater than 9.5, unless a permit is specifically issued to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
3. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to produce 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.
4. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
5. Any substance which may cause the POTW treatment plant effluent or any other product of the treatment plant, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment plant cause the POTW to be in noncompliance with 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 or the Toxic Substances Control Act; or state criteria applicable to the sludge management method being used.
6. Any substance which will cause the POTW to violate its New York State Pollutant Discharge Elimination System permit or the receiving water quality standards.
7. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
8. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater with a temperature at the introduction to the POTW system which exceeds 40° C. (104° F.) unless a permit is issued to accommodate such temperature.

9. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW treatment plant or is in contravention of permit conditions.
  10. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Engineer in compliance with applicable state or federal regulations.
  11. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32° and 104° F. (0° and 400° C).
  12. Any garbage that has not been properly shredded.
  13. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- B.** When the Town Engineer determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Town Engineer shall advise the user(s) of the impact of the contribution on the POTW pursuant to procedures § 230-43 et seq. of this Part 2.

**Federal Categorical Pretreatment Standards.**

Upon the promulgations of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 2 for sources in that subcategory, shall immediately supersede the limitations imposed under requirements under 40 CFR Part 403.12.

**XVII. Delete §230.32. Limitation on toxic substances.**

**XVIII. Replace with:**

**§230.32. Limitations**

- A.** No user shall discharge wastewater to the sanitary sewer system when any of the pollutant concentrations exceed the limits specified following. These concentrations shall be applied to wastewater effluents at a point just prior to

discharge into the town sewer system. With the express written consent of the Director of Water and Wastewater, users with multiple discharge outfalls may combine waste streams by calculation to report on wastewater characteristics.

<b>Substance</b>	<b>Total Concentration Limit</b>
Arsenic	0.2 mg/l
Barium	4.0 mg/l
Cadmium	0.4 mg/l
Chromium (hexavalent)	0.2 mg/l
Chromium (total)	4.0 mg/l
Copper	0.5 mg/l
Cyanide-complex	1.6 mg/l
Lead	0.2 mg/l
Mercury	0.05 mg/l
Nickel	4.0 mg/l
Oil and Grease	200. mg/l
pH	6.0-9.0
Phenolic compounds	4.0 mg/l
Silver	0.2 mg/l
Zinc	2.0 mg/l

- B.** No person shall discharge or permit the discharge or infiltration into the town sewer system of wastes containing the following pollutants in excess of the listed concentrations unless prior approval is granted by the Town Engineer.
1. Wastes containing more than 300 milligrams per liter of five-day biochemical oxygen demand.
  2. Wastes containing more than 350 milligrams per liter of total suspended solids.
  3. Wastes containing more than 160 milligrams per liter of total organic carbon.
  4. Wastes containing more than 500 milligrams per liter of chemical oxygen demand.
  5. Wastewater in volumes constituting greater than 5% of the mean flow influent to the town's POTW treatment plant.

#### **XIX. Add new §230.32.1**

##### **§ 230-32.1. Applicability of state standards.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 2.

**XX. Add new §230.32.2**

**§ 230-32.2 Right of revision.**

The town reserves the right to establish by local law more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 230-5 of this chapter.

**XXI. Add new §230.32.3**

**§ 230-32.3. Excessive discharge.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the town or state.

**XXII. Add new §230.32.4**

**§ 230-32.4. Approval of connections.**

No connection with or opening into any sewer, manhole or appurtenances thereto shall be made without the written approval of the Town Engineer. The connection of a building sewer into any town sewer shall conform to the requirements of the applicable town regulations.

**XXIII. Add new §230.32.5**

**§ 230-32.5. New or increased discharges.**

Written approval by the Town Engineer is required for all new discharges from industrial users added to the town sewer system. The Town Engineer reserves the right to deny or condition new or increased contributions of wastes or changes in wastewater constituents and characteristics, to require an industrial user to obtain an industrial wastewater discharge permit as specified in §230-33.1, to require the development of a schedule of compliance for an industrial user for the installation of technology required to meet pretreatment standards and requirements and/or to require the industrial user to submit to the Department self-monitoring reports.

**XXIV. Delete § 230-33. Actions by Town Engineer.**

**XXV. Replace with:**

**§ 230-33. Authority of Town Engineer.**

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, containing any substances or possessing characteristics enumerated in this Part 2 or which, in the judgment of the Town Engineer, may have a deleterious impact on the POTW, POTW treatment plant, receiving waters, POTW treatment plant process residuals or which may otherwise create a hazard to health, life or constitute a public nuisance, the Town Engineer may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge;
4. Require payment to cover the added cost of handling and treating the wastes; and/or
5. Require the discharger to apply for an industrial waste discharge permit.

B. If the Town Engineer permits the introduction of said waste into the POTW, whether following pretreatment or an alternative discharge program, the design and installation of the plans and equipment, or implementation of the discharge program, shall be subject to the review and approval of the Town Engineer and subject to the requirements of all applicable codes, ordinances and laws.

**XXVI. Add new § 230-33.1**

**§ 230-33.1. Permit required.**

- A. It shall be unlawful to discharge, without a state or town permit (as applicable), to any natural outlet within the Town of Rotterdam or in any area under the jurisdiction of said town and/or to the POTW any wastewater except as authorized by the Town Engineer in accordance with the provisions of this Part 2.
- B. Each industrial user whose wastewater flow and/or wastewater strength is different from that of domestic waste (defined as having a concentration of any parameter in excess of those listed in § 230-32 of this Part2) or discharges EPA priority pollutants, NYSDEC substances of concern or any other substance which the Town Engineer deems to be of concern must obtain an industrial waste discharge permit prior to connection or discharge to the town POTW. Each industrial user, as determined by the Town Engineer, currently connected must obtain an industrial waste permit within 180 days after the effective date of this Part 2.

**XXVII. Add new § 230-33.2**

**§ 230-33.2. Application for permit.**

- A. Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Department an application in the form prescribed by the Town Engineer at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, the following information:

1. Legal name, address and location of the person, corporation or legal entity responsible for subject establishment.
2. The name, address and location of subject establishment.
3. The name and telephone number of the person to contact regarding both industrial waste characteristics and the permit application, if different than subsection A (1) preceding, and the SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
4. Wastewater constituents and characteristics, including but not limited to, those mentioned in this Part 2 as determined by a laboratory certified by the State of New York; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (c) of the Act and contained in 40 CFR Part 136, as amended.
5. The time and duration of contribution.
6. The average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
7. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
8. A description of all activities, facilities and plant processes directly related to sewer discharges. This description shall include all those materials which are or could reasonably be expected to be discharged based upon:
  - (a) Hazardous materials as defined by regulations promulgated under the Resource Conservation and Recovery Act (42 U.S.C. § 6901).
  - (b) New York State regulations for solid waste management facilities (6 NYCRR Part 360) and accompanying guidelines.
  - (c) Priority pollutants as defined by the Clean Water Act.
  - (d) New York State substances of concern.
  - (e) Materials deemed to be of concern to the Town of Rotterdam's POTW.
  - (f) Any other applicable federal, state or local statute, regulation or ordinance.
  - (g) The most recent versions of the regulations in Subsection A(8)(a) through A(8)(f) preceding, as applicable.
9. Where known, the nature and concentration of any pollutants in the discharge, which are limited by any town, state or federal pretreatment standards, a statement regarding whether or not the 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 for the user to meet applicable treatment standards.
10. If additional pretreatment and/or O&M will be required to meet the pretreatment standards and the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions may apply to this schedule:
  - (a) The schedule may contain increments of progress 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, (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.)

- (b) No increment referred to in Subsection A(10)(a) shall exceed nine months.
- (c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Town Engineer, including as a minimum, whether or not it complied with the increment 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 the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Town Engineer.

- 11. Each product produced by type, amount, process or processes and rate of production.
- 12. The type and amount of generic raw materials processed (average and maximum per day).
- 13. The number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.
- 14. Completion of a NYSDEC industrial chemical survey.

**B.** The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue an industrial waste discharge permit, subject to terms and conditions provided herein.

### **XXVIII. Add new § 230-33.3**

#### **§ 230-33.3. Permit conditions.**

Industrial waste discharge permits shall be expressly subject to all provisions of this Part 2 and all other applicable local laws, regulations, charges and fees established by the town. The conditions of the industrial waste discharge permit may contain the following:

- A.** Effluent limitations or other appropriate limitations when toxic substances are present in the user's wastewater discharge.
- B.** Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedules.
- C.** Requirements for submission of reports for conditions of noncompliance.
- D.** Requirements for submission of technical reports or discharge reports.
- E.** Pretreatment requirements.
- F.** Requirements for installation and maintenance of inspection and sampling facilities
- G.** Schedules for compliance with this Part 2 and other applicable town local laws.

- H. Limits on the average and maximum wastewater constituents, flow rates and time of discharge.
- I. Requirements for maintaining and retaining plant records, relating to wastewater discharge, to be limited to three years unless specified in the industrial waste discharge permit and affording the town access thereto and copying thereof.
- J. Requirements for notification of the Town Engineer of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.
- K. The computation and requirement for payment of the industrial waste surcharge or any other applicable fees or charges.
- L. Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.

**XXIX. Add new § 230-33.4**

**§ 230-33.4. Duration of permit; renewal; modification.**

- A. Industrial waste discharge permits shall be issued for a specified period of time, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date.
- B. In order to renew a permit, the permittee shall have paid all fees relating to this Part 2 no later than 120 days prior to the expiration of the existing permit.
- C. The terms and conditions of the permit may be subject to modification and change by the Department during the life of the permit as limitations or requirements as identified in this Part 2 are modified or changed. The permittee shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**XXX. Add new § 230-33.5**

**§ 230-33.5. Application for modification of permit.**

A permittee requesting any modification of a permit shall do so at least 90 days prior to the date the permittee plans to implement the modification. Application to the Town Engineer for modification shall include any information as may be deemed necessary by the town to evaluate the modification application.

**XXXI. Add new § 230-33.6**

**§ 230-33.6. Transfer of permit.**

Industrial waste discharge permits are issued to a specific user for a specific operation. A permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the prior approval of the Town Engineer. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Town Engineer. If the operations and processes are to remain the same, the permit may be approved by the Town Engineer for the new owner. A new industrial waste discharge permit application shall be made by the new owner and facility if any other changes are made other than the control of ownership.

**XXXII. Add new § 230-33.7**

**§ 230-33.7. Suspension, revocation or modification of permit.**

Industrial waste discharge permits may be modified, suspended or revoked where the Town Engineer finds, after a hearing held in conformance with the procedures set forth in this Part 2:

- A. A violation of any term of the permit or any order or determination of the Town Engineer promulgated under this Part 2 or other applicable town local laws;
- B. That the permit was obtained by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring; or
- E. Failure of the permittee to report significant changes in operations or wastewater constituents and characteristics.

**XXXIII. Add new § 230-33.8**

**§ 230-33.8. Monitoring facilities.**

- A. Users who discharge, who propose to discharge or who, in the judgment of the Town Engineer, could discharge now or in the future wastewater with constituents and characteristics different from that produced by a domestic premise shall be required to install a monitoring facility.
- B. When, in the judgment of the Town Engineer, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Town Engineer may require that separate monitoring facilities be installed for each discharge.

- C. Monitoring facilities are to be constructed at a common location into which all flows from the user are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the user shall construct and maintain, at the user's expense, in lieu of one common monitoring facility two or more monitoring facilities as required by the Town Engineer.
- D. Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by the user. If sampling and metering equipment is also required by the Department, it shall be provided, installed, operated and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the department personnel, such as a gate secured with a department lock. There shall be ample room in or near such facility to allow accurate sampling and composition of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user. In the event that no special monitoring facility is required, sampling shall be conducted at a point or points selected by the Town Engineer.

**XXXIV. Add new § 230-33.9**

**§ 230-33.9. Inspection and sampling.**

- A. The Town Engineer and other authorized employees of the Department and employees of the EPA and NYSDEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain compliance with this Part 2. The Department shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. 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, personnel from the Department will be permitted to enter without delay for the purposes of performing their specific responsibilities.
- B. No representative is authorized to require information concerning an industrial process, except to the extent necessary to ascertain the kind and source of discharge to sewers. While on private property, the town's representatives shall observe all established safety rules applicable to the premises. The town shall indemnify a property owner against loss or damage to the owner's property and against third-party claims caused by representatives of the town while upon the property, except for loss or

damage or third-party claims caused by the negligence of the owner or the owner's failure to maintain safe conditions.

**XXXV. Add new § 230-33.10**

**§ 230-33.10. Pretreatment.**

- A. Where necessary, in the opinion of the Town Engineer, users shall make wastewater acceptable under the limitations established by this Part 2 and by Section 307 of the Federal Act before discharging into the town sewer system. Any facilities required to pretreat wastewater to a level acceptable to the Department shall be provided and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Town Engineer for review and shall be approved by the Town Engineer before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Part 2. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Department. When pretreatment regulations are adopted by EPA or NYSDEC for any industry, then that industry must immediately conform to the EPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by EPA or NYSDEC in accordance with Section 307 of the Federal Act. Additionally, such industries shall comply with any other stringent standards necessitated by local conditions as determined by the town.
- B. The town may adopt charges and fees which may include:
1. Fees for reimbursement of costs of setting up and operating the town's pretreatment program.
  2. Fees for monitoring, inspections and surveillance procedures.
  3. Fees for reviewing accidental discharge procedures and construction.
  4. Fees for permit applications.
  5. Fees for filing appeals.
  6. Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards.
  7. Other fees as the town may deem necessary to carry out the requirements contained herein.
- C. These fees related solely to the matters covered by this Part 2 are separate from all other fees chargeable by the town.

**XXXVI. Delete § 230-34. Grease, oil and sand interceptors.**

**XXXVII. Replace with:**

**§ 230-34. Interceptors.**

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

**XXXVIII. Add new §230-48.1**

**§ 230-48.1. Special arrangements.**

No statement in this Part 2 shall be construed as preventing any special agreement between the Town Engineer and any industrial concern whereby an industrial waste of unusual constituents or characteristics may be accepted by the Town Engineer for treatment subject to the proper payment by the industrial user. Under no circumstances shall a special agreement circumvent Federal Categorical Pretreatment Standards.

**XXXIX. Add new §230-50.1**

**§ 230-50.1. Analytical procedures.**

All measurements, tests and analyses of the constituents and characteristics of waters and wastes to which reference is made in this Part 2 shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater, Methods for Chemical Analysis of Water and Waste of the EPA and the latest version of 40 CFR Part 136, Analysis of Pollutants.

**XL. Delete §230-53. Notification of accidental discharge.**

**XLI. Replace with:**

**§ 230-53. Accidental discharge.**

A. Each user shall provide protection from accidental and slug discharges of prohibited materials or other wastes regulated by this Part 2 or plans to minimize such occurrences, should they occur. Facilities to prevent accidental and slug discharges of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Department before construction of the facility.

- B. Users shall notify the Department immediately upon discharging wastes in violation of this Part 2 due to:
  - 1. Breakdown of pretreatment equipment.
  - 2. Accidents caused by human error or negligence or mechanical failure.
  - 3. Other causes, such as acts of nature.
- C. Such notification will enable countermeasures to be taken by the Department to minimize damage to the town sewers, treatment facilities, treatment processes and receiving waters.
- D. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violations of this Part 2.
- E. The Director shall be notified within five days of the date of occurrence by a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrences.
- F. Such notification will not relieve users of notice, as described in Subsection B preceding, or of liability for any expense, loss or damage to the sewer system, treatment facility or treatment process or for any fines imposed on the Department on account thereof under section 309 of the Federal Act or any liability for civil or criminal penalties.

**XLII. Add new §230-54.1.**

**§ 230-54.1. Modification of federal standards.**

Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the Approval Authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 40 CFR Part 403.7(c)(2), General pretreatment regulations for existing and new sources of pollution, promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

**XLIII. Add new §230-65.**

**§ 230-65. Confidential information.**

Any information submitted to the town pursuant to requests or requirements of this Part 2 shall be subject to claims of confidentiality as described in 40 CFR Part 2 with the following exceptions:

- A. The Town Engineer is the control authority rather than the EPA.
- B. As described in 40 CFR Part 403.14(b), effluent data shall be available to the public without restriction.

**SECTION 2.** This local law shall take effect upon filing with the Secretary of State as required by Section 27 of the Municipal Home Rule Law and by posting of appropriate signage.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. ~~THREE~~ **(3)** of 2003 of the ~~(County)(City)(Town)(Village)~~ of **Rotterdam** was duly passed by the **Town Board** on **Feb. 26** 2003, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Junie D. Esposito*  
~~Check One: County Clerk, Town or Village Clerk~~  
~~or other designated by local legislative body~~

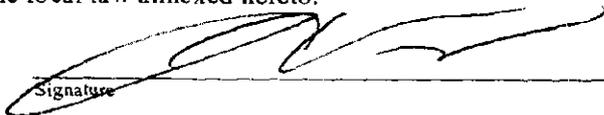
(Seal)

Date: February 26, 2003

(Certification to be executed by ~~County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality~~)

STATE OF NEW YORK  
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature

Town Attorney  
Title

~~County~~  
~~City~~ of Rotterdam  
Town  
~~Village~~

Date: February 26, 2003