

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 RECORDS

JUN 05 2015

County City Town Village
(Select one:)

of Fallsburg

DEPARTMENT OF STATE

Local Law No. 4 of the year 2015

A local law entitled "Amendment of Chapter 230 Sewers" of the Town Code of the Town of Fallsburg.
(Insert Title)

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

County City Town Village
(Select one:)

of Fallsburg

as follows:

** See Attached **

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF FALLSBURG
INTRODUCTORY LOCAL LAW No. 4 of 2015**

A local law amending the Chapter 230 "Sewers" of the Town Code of the Town of Fallsburg.

BE IT ENACTED by the Town Board of the Town of Fallsburg, Sullivan County, as follows:

Section 1. Purpose

The Town Board of the Town of Fallsburg believes that Chapter 230 of the Town of Fallsburg Code (Sewers) needs amendment to better address the siting and use of wastewater treatment facilities as well as the treatment and disposal of wastewater and sewage within the Town of Fallsburg.

Section 2. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by amending section 230-2 (Definitions), as follows:

The definition for the term "Natural Outlet" shall be deleted and replaced with the following definition:

NATURAL OUTLET - Any outlet leading to the environment, including storm sewers and combined sewer overflows, and any pathway leading to a watercourse, stream, pond, ditch, lake, or other surface water body or groundwater.

The definition for the term "Sewage" shall be deleted and replaced with the following definition:

SEWAGE - The combination of human and household waste with water which is discharged to the plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

The definition for the term "Wastewater" shall be deleted and replaced with the following definition:

WASTEWATER - The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried sewage from residences, commercial buildings, industrial plants, and institutions, together with any infiltrated groundwater, surface water, and storm water that may be present.

The following definitions shall be added to the Definitions appearing at section 230-2:

CEO - The duly appointed Code Enforcement Officer for the Town.

DESIGN PROFESSIONAL - A person licensed or registered in the State of New York and authorized by New York State Education Law as a professional engineer and who is experienced in the design of wastewater disposal systems.

NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH) - The New York State Department of Health or other duly authorized official of said Department.

PRIVATE WASTEWATER DISPOSAL SYSTEM - A wastewater disposal system which is not publicly owned or controlled.

PUBLIC SEWER - A sewer owned or controlled by a governmental agency or public utility.

WASTEWATER DISPOSAL SYSTEM - A complete system of piping, watertight vessels, tanks, or other facilities designed for the collection, transport, treatment and disposal of wastewater. Wastewater disposal systems include Individual Household Systems as regulated by 10 NYCRR Part 75, Appendix A.

No other changes to section 230-2 are intended and the balance of the existing definitions shall remain unchanged.

Section 3. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-4 (Discharge of untreated sewage prohibited) and replacing it with the following:

Section 230-4 Discharge of untreated sewage prohibited

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 1. It shall be unlawful to discharge any wastewater or any other waters pursuant to (i) a SPDES or NPDES permit, (ii) a permit or docket authorization issued by the Delaware River Basin Commission, or (iii) an authorization issued by the NYSDOH in violation of the requirements set forth in said permit or authorization.

Section 4. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding the following new section §230-7-A (Prohibited Activities):

§230-7-A Prohibited Activities.

It shall be unlawful within the Town of Fallsburg to:

A. Construct any wastewater disposal system to serve a new building, dwelling or use without submitting wastewater disposal system plans prepared by a design professional for review and approval by the CEO and the issuance of a permit therefore;

B. Construct or expand any wastewater disposal system to serve the substantial modification of an existing building, dwelling or use without submitting wastewater disposal system plans prepared by a design professional for review and approval by the CEO;

C. Create any new lot of less than 10 acres in lot area that has not been tested as required by §230-10-A herein to document a suitable area for a wastewater disposal system and an additional area of equal or greater size for a replacement system in the event of a malfunction; or

D. Use or maintain any wastewater disposal system that is not adequately functioning. It shall be unlawful to discharge anything but sewage into a wastewater disposal system. Surface and subsurface water including roof, cellar, foundation and storm drainage shall not be discharged into the wastewater disposal system and shall be disposed of so as to in no way affect the proper functioning of the wastewater disposal system, except as provided at §230-21, §230-24 or §230-25 of this chapter. It shall be unlawful to use or operate a cesspool.

Section 5. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding the following new section §230-7-B (Design standards for new systems):

§230-7-B Design standards for new systems.

A. Any wastewater disposal system for new residential construction shall be designed and built according to the requirements of this article and the requirements, as they may from time to time be amended, of the New York State Department of Health (NYSDOH) standards for sewage disposal for individual household systems. Those design requirements are found in Appendix 75-A of 10 NYCRR Part 75.

B. Any wastewater treatment system for new commercial or institutional construction, as well as conservation subdivision or multifamily dwelling developments, shall be designed and built according to the requirements of this article and the requirements, as may be from time to time be amended, of the New York State Department of Environmental Conservation (NYSDEC) standards for sewage disposal for intermediate-sized sewerage facilities. Those design requirements are found in NYSDEC manual "Design Standards for Wastewater Treatment Works: Intermediate-sized Sewerage Facilities."

Section 6. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding the following new section §230-7-C (Design standards for existing systems):

§230-7-B Design standards for existing systems.

A. Any replacement, enlargement or extension of an existing wastewater disposal system to serve the substantial modification of a building, dwelling or use shall be designed and built according to the requirements of this article and the requirements, as they may from time to time be amended, of the NYSDOH standards for sewage disposal for individual household systems. Those design requirements are found in Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations (10 NYCRR).

B. Any replacement, enlargement or extension of an existing intermediate-sized sewerage system shall be designed and built according to the requirements of this article and the requirements, as may be from time to time be amended, of the NYSDEC standards for sewage disposal for intermediate-sized sewerage facilities. Those design requirements are found in NYSDEC manual "Design Standards for Wastewater Treatment Works: Intermediate-sized Sewerage Facilities."

C. The design standards found herein shall not apply to existing wastewater treatment systems legally installed, repaired or approved by the Town of Fallsburg Building Department or Superintendent prior to the date of adoption of this article or those systems determined by the Superintendent to be adequately functioning.

Section 7. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-8 (Permit required; fees) and replacing it with the following:

§230-8 Permit required; fees.

A. Before commencement of construction of a new or modified private wastewater disposal system, the owner shall first obtain a written permit signed by the CEO. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the CEO. A permit and inspection fee as set from time to time by resolution of the Town Board for a residential or commercial building sewer permit and a fee as set from time to time by resolution of the Town Board for an industrial building sewer permit shall be paid to the Town Building Department at the time the application is filed.

B. An applicant seeking to construct and operate a wastewater disposal system to serve a single-family or two-family residence shall receive a certificate of compliance, subject to successful inspection required by §230-9. All other applicants shall receive a

permit with a term of five (5) years, subject to successful inspection required by §230-9. Upon the expiration of the permit term, the permit must be renewed and the wastewater disposal system must be re-inspected.

C. The CEO may impose such permit conditions as he or she may reasonably require to protect the health, safety and welfare of the community, including but not limited to, effluent parameters for various types of pollutants and periodic inspection and maintenance requirements for the wastewater disposal system. Notwithstanding the foregoing, such permit conditions shall be no less stringent than any other permit, order or license duly issued by any other regulatory agency which permit or license is related to the construction or operation of the wastewater disposal system in question.

Section 8. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-9 (Inspection) and replacing it with the following:

§230-9 Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the CEO. The CEO shall be allowed to inspect the work at any stage of construction and, in any event, the permit applicant shall notify the CEO when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the CEO. At the sole election of the CEO, the inspection may be performed by (i) the CEO or his or her designee, (ii) a design professional retained by the CEO at the cost of the applicant or (iii) a design professional retained by the applicant at the cost of the applicant. Notwithstanding anything herein to the contrary, the CEO may witness any inspection performed by any third-party.

Section 9. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding the following new section §230-9-A (Inspection Procedure):

§ 230-9-A Inspection procedure.

A. All new wastewater disposal systems requiring an inspection pursuant to this article shall be performed as follows:

(1) The septic tank, inspection ports, distribution boxes or other distribution devices shall be uncovered and accessible to the inspector. If any component of the system cannot be located the inspector shall so note on the inspection report.

(2) Sanitary disposal fields shall be staked out or otherwise identified by general area of location.

(3) The septic tank shall be pumped at the expense of the applicant, to ensure the tank is not leaking, and the inlet and outlet baffles are in place and properly functioning.

(4) Drop and distribution boxes shall be checked for blockages and function.

(5) Visual inspection of building shall be undertaken to determine the number of bedrooms, the layout and location of all water-using fixtures and plumbing, including but not limited to faucets, sinks, toilets, drains, overflows, laundry equipment, floor drains, sump pumps, water softeners, and related systems that may impose an improper or potential adverse hydraulic loading on the disposal field.

(6) The inspector shall verify the connection of all drains to an appropriate disposal system.

(7) The inspector shall observe all outside areas, to include nearby lawns, slopes, hillsides, ditches and watercourses, swales, and the shoreline of ponds, lakes and wetlands for aboveground seepage and to note the quantity and general quality of surface water where it occurs.

(8) The inspector may conduct dye testing or utilize other methods as may be necessary to determine system function.

B. In conducting any re-inspection of an existing wastewater disposal system requiring an inspection pursuant to this chapter or a permit condition, the inspector shall (i) verify the connection of all drains to an appropriate disposal system, (ii) visually inspect the premises to determine evidence of system malfunction, (iii) conduct dye testing or utilize other methods as may be necessary to determine system function and (iv) visually inspect the improvements on the property to determine the number of bedrooms, the layout and location of all water-using fixtures and plumbing, including but not limited to faucets, sinks, toilets, drains, overflows, laundry equipment, floor drains, sump pumps, water softeners, and related systems that may impose an improper or potential adverse hydraulic loading on the disposal field.

C. Upon completion of any such inspection, except for an inspection performed by the CEO, the inspector shall document all procedures and furnish the applicant and the CEO with a certified report of findings, including dates of testing/inspection, observations and sketches showing system layout to adequately document the inspection and improvements required.

Section 10. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-10 (Compliance with other departmental or agency requirements) and replacing it with the following:

§230-10 Compliance with other departmental or agency requirements.

In addition to any approvals required herein, a review and approval by the NYSDOH or the NYSDEC, if appropriate, shall be required for the following conditions:

A. Any realty subdivision as defined by Article 11, Title II, of the New York State Public Health Law or Article 17, Title 15, of the New York State Environmental Conservation Law;

B. Any alternative system as defined by Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations (10 NYCRR 75-A.9);

C. Any wastewater facility required to be permitted by the NYSDOH; and

D. Any wastewater disposal treatment system or other system with effluent in excess of 1,000 gallons per day.

No permit shall be issued for any private wastewater disposal system employing an alternative subsurface treatment system (as defined by 10 NYCRR 75-A.9) except after review and approval by the Town Board pursuant to §§230-10-A(C) and (G). No wastewater disposal system, except where permitted pursuant to this Chapter shall be permitted to discharge to any natural outlet.

Section 11. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding the following new section §230-10-A (Testing Procedures):

§230-10-A Testing Procedures.

All tests, including site and soil appraisals (including percolation tests and deep test pits), required by this §230-10-A shall be conducted by a design professional who shall certify to the Town that the proposed location and wastewater disposal system plan meet the requirements of this article and the standards of applicable laws and regulations. All testing for purposes of designing new and modified wastewater disposal systems and qualifying new subdivision lots for placement of such systems therein shall, at a minimum, meet New York State standards, as supplemented and superseded by the following additional requirements:

A. Two percolation tests and a deep test pit shall be provided within at least sixty percent (60%) of the proposed absorption field areas. Additionally, two percolation tests and a deep test pit shall be conducted for at least sixty percent (60%) of the replacement areas. The CEO, in his or her sole discretion, may require more than the minimum percolation and/or deep test pits. Locations of all tests shall be depicted on the plans for the on-site individual wastewater treatment system and on each lot in connection with

subdivision plan. Each absorption area for a dwelling shall be sized on the basis of the number of bedrooms anticipated. Where the number of bedrooms is unknown, each dwelling unit shall be assumed to include four bedrooms. All tests required by this chapter relating to a major subdivision must be witnessed and certified by a design professional and, if not so certified, then such tests shall not be relied upon by the Planning Board in the subdivision review process.

B. Soils with percolation test results faster than five minutes per inch shall not be used for absorption fields and seepage pits. The design professional shall, in such case, evaluate whether the soils can be modified to meet state requirements.

C. Where percolation rates exceed 60 minutes per inch, a subsurface disposal system shall not be allowed, except as may be granted by formal waiver. An applicant subject to this subsection may apply to the Town Board pursuant to §230.10-A (G)(3) for a waiver to use an alternative subsurface treatment system designed in accordance with 10 NYCRR Part 75, Appendix 75-A, as amended.

D. An additional 100% of the required absorption field area shall be available for future expansion and replacement. Such area shall be depicted on the plans for the wastewater disposal system and on each lot in question.

E. Depth to the seasonal high groundwater shall be determined at the location of each deep test pit from direct measurement, documenting evidence of soil mottling and other characteristics. The source of the data must be cited in the design professional's report.

F. The certified report of the design professional shall contain an estimate of the average gradient of the groundwater table toward or away from the nearest point of water use or the nearest surface water body such as a stream, pond, lake or wetland in the vicinity of each deep test pit location. An estimate shall also be made of the distance from the deep test pit location to the nearest point of water use or nearest surface water body. The certified report of the design professional shall address the potential for groundwater quality degradation due to subsurface wastewater disposal in the vicinity of the test pit locations. Where this preliminary analysis indicates subsurface wastewater disposal at the site has a moderate to high potential to cause groundwater quality degradation, the CEO may require additional data to determine if the site is suitable for subsurface sewage disposal. At a minimum, the additional data, if required, shall consist of test borings, with detailed boring logs, sufficient in number and location, as approved by the CEO, to determine the gradient, thickness and hydraulic conductivity of the shallowest saturated zone (aquifer) underlying the site. Based on the above information, the applicant's design professional shall submit dilution calculations of expected nitrate pollution at the property boundary. On the basis of this additional data, the CEO may determine the site is suitable, is suitable only with specific conditions, or that the site

does not appear to be suitable for subsurface wastewater disposal. In the latter case, additional detailed modeling of groundwater flows and pollutant dispersion may be submitted by the applicant in order to demonstrate the site is appropriate for subsurface wastewater disposal and such activity will not cause an unacceptable degradation in groundwater quality.

G. The number of alternative subsurface treatment systems designed in accordance with 10 NYCRR Part 75, Appendix 75-A, as amended, in the aggregate, shall be limited as follows:

(1) Any minor subdivision shall have no more than two such systems; and

(2) No more than 50% of the total lots of a major subdivision shall be constructed with such systems.

(3) Waivers. (a) Upon written application, the Town Board may grant a waiver from the requirements of §230-10-A(C) and/or this §230-10-A(G), provided that the following conditions are satisfied:

[i] The applicant sets forth the size of the lot(s) in which the alternative subsurface treatment system will be installed, the number and type of alternative subsurface treatment systems proposed, the proposed use of the parcel(s) in question, and any other information reasonably required by the Town Board;

[ii] The applicant provides a certified report prepared by a design professional that:

[a] The proposed systems meet the design requirements for an alternative subsurface treatment systems set forth at Appendix 75-A of Part 75 of Title 10 of the New York Codes, Rules and Regulations; and

[b] Identifies all other laws applicable to alternative subsurface treatment systems and certifies that the proposed systems meet or exceed the requirements thereof; and

[iii] The applicant shall identify all neighboring parcels that may be impacted by the use of an alternative subsurface treatment system as well as any applicable mitigation measures.

(b) The grant of any waiver under this §230-A (G)(3) shall be in the sole discretion of the Town Board, which shall consider the type of proposed system, the lot size of the parcels upon which the alternative subsurface treatment systems will be placed, the potential impact on neighboring parcels, the engineering analyses of the applicant and the Superintendent (or his or her designee), any comments of the Town Planning Board and any other health and safety issues deemed relevant to the waiver application. In the grant of any waiver, the Town Board may impose conditions including (i) the phasing of the

project to enable the Town to measure the impact of any discharge, (ii) the provision of a bond or other security or (iii) other such measures to guard against the degradation of the environment. In all cases, the lot dimensions must allow all parts of the sewer disposal system to be located a minimum of 25 feet from any lot line unless this condition is expressly waived by the Town Board.

Section 12. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-11 (Connection with public sewer when available) and replacing it with the following:

§230-11 Connection with public sewer when available.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in §230-6, a direct connection shall be made to the public sewer within 120 days in compliance with this Part 1, and any septic tanks, cesspools and similar private wastewater disposal system facilities shall be cleaned of sludge and filled with suitable material.

Section 13. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-12 (Operation at owner's expense) and replacing it with the following:

§230-12 Operation at owner's expense.

The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the Town.

Section 14. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-15 (Classes of permits) and replacing it with the following:

§230-15 Classes of permits.

A. There shall be two classes of building sewer permits:

(1) For residential and commercial service.

(2) For service to establishments producing industrial wastes. (Note: See § 230-23 for special provisions.)

B. In either case, the owner shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection review fee as set from time to time by resolution of the Town Board for a

residential or commercial building sewer permit and a fee as set from time to time by resolution of the Town Board for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

C. Any person seeking a permit to serve a single-family or two-family residence shall receive a final certificate of compliance, subject to successful inspection required by §§ 230-22(B). All other applicants shall receive a permit with a term of five (5) years, subject to successful inspection required by §230-22(B). Upon the expiration of the permit term, the permit must be renewed and the pumps, connections, pipes and related equipment must be re-inspected where reasonably accessible.

D. The CEO may impose such permit conditions as he or she may reasonably require to protect the health, safety and welfare of the community, including but not limited to, effluent parameters for various types of pollutants (including those requirements applicable to industrial users set forth at §230- 23) and periodic inspection and maintenance requirements for the pumps, connections, pipes and related equipment. Notwithstanding the foregoing, such permit conditions shall be no less stringent than any other permit, order or license duly issued by any other regulatory agency which permit, order or license is related to the construction or operation of the wastewater disposal system in question.

E. Within thirty (30) days of receipt of a written request from the CEO, a permit holder who (i) holds a SPDES permit for wastewater discharge or (ii) discharges more than one thousand (1000) gallons per day of sewage from its wastewater disposal system shall provide a report to the CEO that its wastewater disposal system is in good working order, its flow rates match its design flow rates and the electrical and mechanical components of such system are working as designed. Said report shall be certified by a design professional. Said report shall be requested no more frequently than annually unless the permit holder is subject to a compliance order or other enforcement action or is undertaking modification of its sewer system. Holders of SPDES permits who are requested to provide a report pursuant hereto, shall submit copies of all discharge monitoring reports for the prior twelve month period with said report.

F. Each permit holder (other than a holder of a final certificate of compliance) who obtained a sewer permit from the Town prior to the date of enactment of this §230-15(F), shall make application for a new sewer permit with a five year term within one hundred twenty (120) days from the said date of enactment of this section.

Section 15. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-18 (Old building sewers, when permitted) and replacing it with the following:

§230-18 Old building sewers, when permitted.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test reviewed and authorized by the Superintendent, to meet all requirements of this Part 1.

Section 16. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-20 (Required elevation of building sewer) and replacing it with the following:

§230-20 Required elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means approved by the CEO and discharged to the building sewer.

Section 17. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting subsection B of section 230-22 (Standards for connection to public sewer) and replacing said subsection B with the following:

§230-22 Standards for connection to public sewer.

B. Superintendent to inspect connection. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. At the sole election of the Superintendent, the inspection may be performed by (i) the Superintendent or his or her designee, (ii) a design professional retained by the Superintendent at the cost of the applicant or (iii) a design professional retained by the applicant at the cost of the applicant. Notwithstanding anything herein to the contrary, the Superintendent may witness any inspection performed by any third-party.

The remaining subsections of §230-22 shall remain unchanged.

Section 18. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting subsections C, D and G of section 230-23 (Industrial users) and replacing said subsections C, D and G with the following:

C. Modifications by the Town Superintendent.

(1) The permit terms and conditions shall be subject to modification and change by the Superintendent. Except in case of emergency, the Superintendent shall notify the permit holder at least 30 days in advance in writing served either personally or by

certified mail, return receipt requested, at the permit holder's place of business within the Town. Such notice shall specify the proposed changes or modifications, the reasons therefor, and the proposed effective date; a statement that the permit holder may submit in writing any objections, counterproposals or justification for continuation of any or all of the terms or conditions of the permit; and also the right to request a hearing before the Superintendent, if demanded within the thirty-day period, and to be represented by counsel and to present proof and rebut any evidence produced at the hearing.

(2) Compliance with any final order of the Superintendent under this Subdivision shall not be required sooner than 30 days after service upon the permit holder, as above provided, except in case of emergency.

D. Modifications at request of permit holder. An industrial user shall apply for a permit modification to the Superintendent if production or process is changed so that wastewater characteristics or flow is altered.

G. Revocation of permit. A permit may be revoked by the Superintendent, subject to prior notice and an opportunity to be heard, for any of the following conditions:

- (1) Any false information submitted in the permit application.
- (2) Willfully exceeding the limits and restrictions as to volume, constituents, characteristics of wastewater and flow rates as specified in the permit.
- (3) Willfully failing to maintain monitoring programs as required by the permit or any compliance order or stop work order issued by the Superintendent or CEO in accordance with §230-40CC or §230-40DD.
- (4) Failure to take corrective action as specified by the Superintendent within the time specified.
- (5) Failure to pay any charges, fees or sewer rents within three months after falling due.

The remaining subsections of §230-23 shall remain unchanged.

Section 19. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-24 (Discharge of surface waters in sanitary sewer prohibited) and replacing it with the following:

§230-24 Discharge of surface waters in sanitary sewer prohibited.

No person shall discharge or cause to be discharged any water that is not sewage such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any

sewer, pipe or conveyance that leads to the Town POTW. Notwithstanding the foregoing, the Superintendent may designate stormwater runoff in certain areas which may be discharged to the sanitary sewer by permission of the Town Board.

Section 20. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-25 (Discharge of stormwater or unpolluted drainage) and replacing it with the following:

§ 230-25 Discharge of stormwater or unpolluted drainage.

Stormwater other than that exempted under §230-24, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (Note: If required by applicable law, a SPDES permit must be obtained prior to any such discharge.)

Section 21. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-26 (Prohibited waters or wastes) and replacing it with the following:

§230-26 Prohibited waters or wastes.

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

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas 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.
- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters or wastes having a pH lower than 5.5 or higher than 8.0, or having any other acidic or corrosive property or capable of causing damage or hazard such as, but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, cloths and other fibrous materials, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Section 22. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting subsection B(11) of section 230-27 (Restrictions on discharge of certain wastes) and replacing said subsection B(11) with the following:

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

The remaining subsections of §230-27 shall remain unchanged.

Section 23. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting subsection A(2) of section 230-28 (Authority of Superintendent over certain wastes) and replacing said subsection A(2) with the following:

§230-28 Authority of Superintendent over certain wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers, which pretreatment shall be at the sole cost and expense of the owner;

The remaining subsections of §230-28 shall remain unchanged.

Section 24. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-29 (Grease, oil and sand interceptors) and replacing it with the following:

§230-29 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided by the owner when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in §230-27B(3), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residential dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected

materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Section 25. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting subsections A and F of section 230-35 (Specific requirements) and replacing said subsections A and F with the following:

§230-35 Specific requirements.

A. Accidental discharges. An industrial user shall notify the Superintendent immediately upon accidentally discharging wastes in violation of this Part 1. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written report provided to the Superintendent describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Such notification and report will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any enforcement measures taken by the Town pursuant to Article VIII hereof or other applicable local, state and federal regulations.

F. Dilution of discharges. 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 unless authorized by applicable local, state or federal regulation, permit or order.

The remaining subsections of §230-35 shall remain unchanged.

Section 26. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-37 (Right to make inspections) and replacing it with the following:

§230-37 Right to make inspections.

Persons or occupants of premises where wastewater is produced or discharged shall allow upon consent or subject to lawful process the Town, including the Superintendent or the CEO or their designees, ready access at all times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment, or method required by the Town's wastewater discharge laws and sample any effluents which the owner or operator of such source is required to sample. Where the owner of said premises has employed security guards, the owner shall make necessary arrangements with the security guards so

that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

Section 27. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-38 (Information that may be obtained; withholding of confidential information) and replacing it with the following:

§230-38 Information that may be obtained; withholding of confidential information. The Superintendent, or other duly authorized employee, is authorized to obtain information from the industrial user concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may request that certain information be classified as proprietary or confidential, prior to its submission to the Town. The industry must establish that public disclosure of the proprietary or confidential information in question would likely cause substantial competitive harm to it, as provided at Public Officers Law §87(2)(d).

Section 28. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-39 (Observation of safety rules; save harmless clause, exception) and replacing it with the following:

§230-39 Observation of safety rules; save harmless clause, exception.

While performing the necessary work on private properties referred to in §230-37, the Superintendent, or duly authorized employee of the Town, shall observe all posted safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in §230-31.

Section 29. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by deleting section 230-40 (Entry on easements) and replacing it with the following:

§230-40 Entry on easements.

The Superintendent and any other duly authorized employee of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement in its favor for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and

subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 30. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding Article VII-A (Additional Requirements / Enforcement).

Section 31. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding section 230-40AA (Record Retention):

§230-40AA. Record Retention. Any person who receives a permit with a five year term issued in accordance with §230-8(B) or §230-15(C) shall keep a copy of said permit, along with the approved design plans, if any, at the location where the wastewater disposal system exists or the connection to the public sewer occurs.

Section 32. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding section 230-40BB (Copies of Permits to Town):

§230-40BB Copies of Permits to Town. Any person to whom (i) a SPDES or NPDES permit has been issued, (ii) a permit or docket authorization has been issued by the Delaware River Basin Commission, (iii) an authorization has been issued by the NYSDOH or (iv) any other written permission or authorization has been issued by a governmental regulatory agency with jurisdiction over wastewater discharge for any use located within the Town, shall provide a copy thereof to the CEO within six months of the adoption of this section. In the event that such permit, authorization or permission is received after the adoption of this section, a copy of said permit, authorization or permission shall be provided by the permittee, applicant or recipient to the CEO within ten (10) days of receipt thereof. In addition, any such person shall provide a copy of any amendment or modification of any such permit, authorization or permission or any notice of violation or order related thereto to the CEO within ten (10) days of receipt thereof.

Section 33. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding section 230-40CC (Stop Work Orders):

§230-40CC. Stop Work Orders. A. Authority to issue. The Superintendent or CEO is authorized to issue stop-work orders pursuant to this section. The Superintendent or CEO shall issue a stop-work order to halt:

(1) Any work that is determined by the Superintendent or CEO to be contrary to any applicable provision of Chapter 230, without regard to whether such work is or is not work for which a sewer permit is required, and without regard to whether a sewer permit has or has not been issued for such work; or

(2) Any work for which a sewer permit or inspection is required which is being performed without the required sewer permit or inspection, or under a sewer permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall:

- (1) Be in writing;
- (2) Be dated and signed by the Superintendent or CEO;
- (3) State the reason or reasons for issuance; and
- (4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Superintendent or CEO shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified and regular mail. The Superintendent or CEO shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified and regular mail; provided, however, that failure to serve any person mentioned in this subsection shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order. As a condition of vacating the stop work order, the Superintendent or CEO may require the owner of the affected property to produce a report within a specified period of time certifying that the condition or activity identified in the stop-work order has been remedied. The Superintendent or CEO may require that the report be prepared by a design professional.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty set forth in this article or available at law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

F. Work Defined. As used in this section, the term "work" shall mean any activity related to the modification, construction, expansion, removal, maintenance or repair of any pipe, tank, valve, pump, motor, generator or other equipment or component or the material disturbance of any land used for the treatment, storage or conveyance of wastewater.

Section 34. Chapter 230 of the Town Code of the Town of Fallsburg is hereby amended by adding section 230-40DD (. Enforcement; penalties for offenses):

§ 230-40DD. Enforcement; penalties for offenses.

A. Compliance orders. The Superintendent or CEO is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of this chapter. Upon finding that any such condition or activity exists, the Superintendent or CEO shall issue a compliance order. The compliance order shall: be in writing; be dated and signed by the Superintendent or CEO; specify the condition or activity that violates this chapter; specify the provision or provisions of this chapter which is/are violated by the specified condition or activity; specify the period of time which the Superintendent or CEO deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The compliance order may provide that the owner of the affected property produce a report prepared by a design professional certifying that the condition or activity identified in the compliance order has been remedied. The Superintendent or CEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by certified and regular mail. The Superintendent or CEO shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified and regular mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The Superintendent or CEO and each assistant thereto are authorized to issue appearance tickets for any violation of this chapter.

C. Criminal Penalties. Any person, partnership, association or corporation who uses any property or allows their property to be used in violation of any provision of this chapter shall, for a first offense, be guilty of a violation and shall be subject to imprisonment for not more than thirty (30) days or to a fine of not more than \$500, and for a second offense committed within five (5) years of the first offense be guilty of a misdemeanor and shall be subject to imprisonment for not more than one year or to a fine of not less than \$250 and not more than \$1,000. When a violation of any of the provisions of this chapter is continuous, each day or portion thereof shall constitute a separate and distinct violation.

D. Civil penalties. In addition to those criminal penalties proscribed herein, any person who violates any provision of this chapter, or any term or condition of any sewer

permit, stop-work order or other notice or order issued by the Superintendent or CEO pursuant to any provision of this chapter, shall be liable to a civil penalty of not less than \$1,500 nor more than \$10,000 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town.

E. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this chapter, or any term or condition of any sewer permit, stop-work order, compliance order, or other notice or order issued by the Superintendent or CEO pursuant to any provision of this chapter. In particular, but not by way of limitation, where the violation is of any provision of this chapter, or any stop-work order, compliance order or other order obtained under this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the abatement of the condition which in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board.

F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this chapter or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time and in any order, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this chapter or in any other applicable law.

Section 35. RATIFICATION, RE-ADOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Fallsburg as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed,

Section 36: INCLUSION IN CODE

It is the intention of the Fallsburg Town Board and it is hereby enacted that the provisions of this local law shall be included in the Code of the Town of Fallsburg; that the sections and subsections of this local law may be renumbered or re-lettered to accomplish such intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

Section 37: RENUMBERING

The location and numerical designation of this local law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this local law and sections as are necessary to accommodate these amendments.

Section 38: CODIFIER'S CHANGES

This local law shall be included in the Code of the Town of Fallsburg. The codifier shall make no substantive changes to this local law, but may renumber, rearrange and edit it without first submitting it to the Fallsburg Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

Section 39: SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 40: EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

(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. 4 of 2015 of the (County)(City)(Town)(Village) of Town of Fallsburg was duly passed by the Fallsburg Town Board on 5-18 2015, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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.

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. 4 of 20 15 of the City of Fallsburg 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 _____ 2015, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 15 of the County of Sullivan State of New York, having been submitted to the electors at the General Election of November _____ 2015, 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.

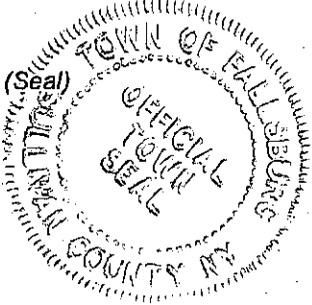
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Donna Akerley

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body Donna Akerley

Date: 5/19/2015



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

STATE OF NEW YORK
TOWN OF FALLSBURG
COUNTY OF SULLIVAN

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.

Jacob Billig

Jacob Billig, Attorney for the Town of Fallsburg

Date: 5/19/2015

NEGATIVE DECLARATION

The Lead Agency:

TOWN OF FALLSBURG TOWN BOARD

219 Railroad Plaza
South Fallsburg, New York 12779

Contact Person:

Steven Vegliante, Supervisor
219 Railroad Plaza
South Fallsburg, New York 12779

Telephone Number: (845) 434-8810

A Description of the Action:

The action consists of amendments to Chapter 230 (Sewers) of the Town Code. The amendment of Chapter 230 is a substantial revision to the Chapter which consists of several key changes to provide greater enforcement powers to the Town Engineer and the Town Code Enforcement Officer for violations of the Chapter. The proposed revisions also include a list of prohibited activities for users of private wastewater disposal systems and design standards for the construction of new and the replacement, enlargement or extension of existing wastewater disposal systems as well as a revised permit and inspection protocols. All system inspections and all system tests must now follow new procedural guidelines and test standards. The inspection and permit requirements applicable to owners of private wastewater treatment systems are also applicable to users of the municipal sewer system.

Holders of SPDES permits for wastewater discharge or (ii) discharges more than one thousand (1000) gallons per day of sewage from its wastewater disposal system have new reporting requirements. All permits issued by the Town will have a five year term except for certain residential uses.

A new section provides that holders of SPDES permits, DRBC dockets and other similar authorizations given by governmental agencies must supply a copy to the Town CEO within six months of the adoption of this section. Future holders must supply copies within ten days. A new section authorizes the Superintendent or CEO to issue stop-work orders, compliance orders, and appearance tickets. This new section also provides for civil and criminal penalties as well as injunctive relief for violations of the Chapter.

SEORA Classification: Unlisted.

The Potential Environmental Impacts:

No potential significant environmental impacts are present and an environmental impact statement will not be prepared.

The Location of the Action:

As set forth in proposed Local Law No. 4 of 2015, which proposes amendments to the Chapter 230 (Sewers) of the Town Code, will enact regulations that will be implemented on a Town-wide basis.

Short Environmental Assessment Form

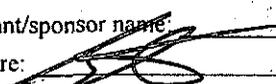
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Town of Fallsburg			
Project Location (describe, and attach a location map): Town Wide			
Brief Description of Proposed Action: Amendment of Chapter 230 Sewers of the Town Code			
Name of Applicant or Sponsor: Town of Fallsburg		Telephone: 845-434-8810	
		E-Mail: svegliante@fallsburgny.com	
Address: 2019 Railroad Plaza			
City/PO: South Fallsburg		State: NY	Zip Code: 12779
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: <u>5/18/15</u></p> <p>Signature:  _____</p>		

Narrative Describing Proposed Amendments to Chapter 230 of the Fallsburg Town Code

The primary goal behind the editing Town of Chapter 230: SEWERS of the Town of Fallsburg Code is to provide greater enforcement powers to the Town Engineer and the Town Code Enforcement Officer. Some of the more significant changes are summarized in this narrative.

Article I

The proposed revisions to Chapter 230 include definitions for new terms and some edits to existing definitions (*see*, §230-2).

Article III: Private Wastewater Disposal

The proposed revisions also include a list of prohibited activities for users of private wastewater disposal systems (*see*, §230-7-A). The proposed revisions now provide design standards for the construction of new and the replacement, enlargement or extension of existing wastewater disposal systems (*see*, §230-7-B and §230-7-C). The construction of a new wastewater disposal system or the modification of an existing system is subject to a permit and inspection (*see*, §230-8) as follows:

- An applicant seeking to construct and operate a wastewater disposal system to serve a single-family or two-family residence shall receive a certificate of compliance, subject to successful inspection.
- All other applicants shall receive a permit with a term of five (5) years, subject to successful inspection. Upon the expiration of the permit term, the permit must be renewed and the wastewater disposal system must be re-inspected.

All system inspections must now follow new procedural guidelines set forth at §230-9-A and all system tests must now follow new procedural guidelines and test standards set forth at §230-10-A.

- This section permits the use of alternative subsurface treatment systems designed in accordance with 10 NYCRR Part 75, Appendix 75-A, pursuant to formal waiver granted by the Town Board (*see*, §230-10-A [C]).

Article IV: Building Sewers and Connections

The inspection and permit requirements applicable to owners of private wastewater treatment systems are also applicable to users of the municipal sewer system as set forth in Article IV.

- Any person seeking a permit to serve a single-family or two-family residence shall receive a final certificate of compliance, subject to successful inspection required by §230-22(B) (*see*, §230-15).
- All other applicants shall receive a permit with a term of five (5) years, subject to successful inspection required by §230-22(B) (*see*, §230-15).

Any person who (i) holds a SPDES permit for wastewater discharge or (ii) discharges more than one thousand (1000) gallons per day of sewage from its wastewater disposal system shall provide a report to the CEO within thirty days of a request to do so. Such reports can be requested annually or sooner if the system is subject to enforcement measures or is undergoing modification (*see*, §230-15).

Each permit holder (other than a holder of a final certificate of compliance) who obtained a sewer permit from the Town prior to the date of enactment of this §230-15(F), must make application for a new sewer permit with a five year term within one hundred twenty (120) days from the said date of enactment of this section (*see*, §230-15).

Article VIII: Additional Requirements / Enforcement

The proposed revisions to Chapter 230 include new reporting requirements and enforcement powers. A new section provides that holders of SPDES permits, DRBC dockets and other similar authorizations given by governmental agencies must supply a copy to the Town CEO within six months of the adoption of this section. Future holders must supply copies within ten days. A new section authorizes the Superintendent or CEO to issue stop-work orders pursuant to this section for specific acts. A new section authorizes the Superintendent or CEO to issue compliance orders, appearance tickets pursuant to this section for violations of the Chapter or a permit. This new section also provides for civil and criminal penalties as well as injunctive relief.

Agency Use Only [If applicable]

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of Fallsburg</u>	<u>5/18/15</u>
Name of Lead Agency	Date
<u>Steven Vegliante</u>	<u>Supervisor</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM