Department of Environmental Services
Monroe County, New York

Maggie Brooks
County Executive

Michael J. Garland, P.E.
Director

October 9, 2015

Subject: Proposed Amendments to the Sewer Use Law of Monroe County

Dear Permit Holder:

Monroe County Department of Environmental Services has proposed amendments to Local Law No. 3 of 1988, entitled "Sewer Use Law of Monroe County" (the Law) to reflect recent changes to the United States Environmental Protection Agency (EPA) general pretreatment regulations, New York Department of Environmental Conservation regulations, and Monroe County regulations and procedures that have occurred since the Law was last enacted.

Monroe County relies upon the Law for establishing authority to administer the Monroe County Department of Environmental Services Pretreatment Program. The purpose of the Law is to establish rules and regulations governing discharges of sewage, industrial waste and other wastes; provide for the establishment and collection of surcharges; and to prescribe penalties for the violation of rules and regulations.

EPA has requested an update of the Law to conform to federal requirements and has provided approval of the proposed amendments. The modifications will have no change on the pollutant loadings accepted at the Monroe County Wastewater Treatment Facilities.

Highlights of the proposed Law include the following:

- All sections have been reorganized to closely follow the EPA Model Pretreatment Ordinance.
- The current Law and separate Rules and Regulations will be repealed and consolidated into the one (1) proposed Law.
- The proposed Law describes specific processes for obtaining permits including application, renewal, modification, closure and revocation.
- The proposed Law clarifies all reporting requirements and signatory requirements for permittees.
- The Stormwater Ordinance is now one (1) Article in the proposed Law and the previous separate ordinance will be repealed.
- Maximum administrative fines have been increased from $10,000 to $25,000 to be consistent with federal guidelines and language has been added to allow the Director to recover operation and maintenance costs incurred due to negligent or accidental actions of any User.
- The calculation and computation of the sewer surcharge fee has been removed and placed in the scale of charges to allow future updates to the computation without modifying the proposed Law. The scale of charges is reviewed and approved annually by the Monroe County Legislature.

The proposed amendments to the Law have been submitted to the Monroe County Legislature for approval and adoption. It is anticipated that the changes to the Law will become effective January 1, 2016.

A copy of the proposed amendments to the Law is available for review on the Monroe County website at the following address: **http://www.monroecounty.gov/des-index.php**

Pretreatment Program staff will be available to discuss the proposed amendments and answer any questions you may have during an open house held on **Wednesday, October 28, 2015** between 8:00 am and 12:00 pm at the Pretreatment Office located at 145 Paul Road, Building 1.

If you have any questions in advance of the open house you may email me at iwc@monroecounty.gov or call me at (585) 753-7658.

Sincerely,

Sean P. Keenan
Pretreatment Coordinator

SEWER USE LAW OF MONROE COUNTY

MONROE COUNTY PURE WATERS SEWER USE LAW

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SEWER USE LAW OF MONROE COUNTY

Part I **General:** This part defines the title and purpose of the Law and the terms used.

Article I. Short Title and Statement of Purpose

Section 1.1 Short Title

This Law shall be known as the "Sewer Use Law" of Monroe County.

Section 1.2 Purpose

The purpose of the Law is to ensure the health, safety and general welfare of the citizens of Monroe County, and protect and enhance the quality of the Waters of the United States in a manner pursuant to and consistent with the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) The specific objectives of the Law are as follows:

1. To control and provide for the regulation of discharges into Sanitary, Storm, and/or Combined Sewers of the Publicly Owned Treatment Works, County Storm Drainage System and collection systems tributary thereto.

2. To prohibit discharges of:

    a. Excessive volumes and/or inordinate rates of flow into the Publicly Owned Treatment Works.
    b. Wastewater which in any way may create a poisonous, hazardous, explosive, flammable or toxic condition injurious to sewer maintenance or operational personnel, or create operating or maintenance difficulties in the Publicly Owned Treatment Works as it now exists or may be constructed, modified or improved in the future.
    c. Unpolluted Water to the Publicly Owned Treatment Works not requiring treatment.
    d. Wastewater that can cause a Nuisance such as but not limited to odor and color.

3. To prohibit and/or to regulate by Permit, discharges of Wastewater to Publicly Owned Treatment Works which require greater expenditures for treatment than those required for equal volumes of Normal Sewage; to surcharge Users for permitted discharges exceeding Normal Sewage and therefore resulting in higher treatment expense.

4. To require pretreatment of Wastewater before discharge into the Publicly Owned Treatment Works, if Wastewater has the potential to cause:

    a. Pass Through;

b. Interference;
c. Damage to structures;
d. Exceedance of limits;
e. Interference with proper disposal of Sewage Sludge.

5. To provide the authority and procedure for the County Sewer Districts to promulgate rules and regulations, to establish User charges and other fees, to issue Permits, to hold hearings, to issue decisions, orders and opinions, to give notice and make public all rules and decisions affecting substantial rights of Persons or property and to investigate and prepare findings of facts as it relates to any direct or indirect use of the Publicly Owned Treatment Works and Storm Drainage System.

6. To provide cooperation with the County Department of Public Health, City of Rochester, New York State Department of Environmental Conservation, New York State Department of Health, United States Environmental Protection Agency and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical and bacteriological quality of Watercourses within or bounding the County.

7. To enforce applicable promulgated final Standards and/or procedures set by the New York State Department of Environmental Conservation or United States Environmental Protection Agency.

8. To prohibit Non-Stormwater discharges to the County Storm Drainage System from Illicit Connections, point and non-point source discharges.

9. To reduce Pollutants in Stormwater discharges to the maximum extent practicable through runoff control and pollution prevention.

Article II. Definitions and Abbreviations

Section 2.1 Definitions

Throughout this Law the term “shall” means mandatory and “may” means permissive. The terms below, when used in this Law as defined, are capitalized. These terms are adopted pursuant to this Law and are as follows:

Administrative Board means the governing body of each County Sewer District established by the Monroe County Legislature.

Approved Laboratory Procedure means procedures established in 40 CFR 136 by a National Environmental Laboratory Accreditation Conference laboratory certified by New York State Department of Health to perform those specific analyses. Procedures not defined in 40 CFR 136

shall be performed by the procedures contained in the book "Standard Methods for the Examination of Water and Waste Water" published by the American Public Health Association or other laboratory procedure approved by the Director for the determination of pollutant concentration of discharges to the Publicly Owned Treatment Works.

Best Management Practices (BMP) means activity schedules, practice prohibitions, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of Pollutants directly or indirectly to the Publicly Owned Treatment Works, County Storm Drainage System, Stormwater and/or Receiving Waters. BMPs also include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biochemical Oxygen Demand (BOD) means the results obtained using an Approved Laboratory Procedure to measure the quantity of oxygen utilized in the biochemical oxidation of organic matter or in satisfying the oxygen demand of other materials present, and shall be expressed in milligrams per liter (mg/L).

Categorical Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with sections 307(b) and (c) of the Clean Water Act, (33 U.S.C. §1317) that applies to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) means Public Law 92–500, as amended, 33 U.S.C. 1251 et seq.

Combined Sewer means a sewer receiving a mixture of storm water runoff and Wastewater.

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

Comprehensive Environmental Response, Compensation and Liability Act means 42 U.S.C. §9601 et seq. as may be amended.

Construction Activity means construction activities subject to New York State Pollutant Discharge Elimination System Permits. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

Cooling Water means the water discharged from any system of heat transfer, condensation, air conditioning, non-contact cooling, refrigeration, or other sources.

County means the County of Monroe, New York.

County Sewer Districts means all Pure Waters and Sewer Districts created, altered, or modified by action of the County Legislature including, but not limited to, the following:

1. Northwest Quadrant Pure Waters District
2. Irondequoit Bay South Central Pure Waters District
3. Gates-Chili-Ogden Sewer District
4. Rochester Pure Waters District

County Storm Drainage System means Monroe County owned or operated Storm Sewers and facilities by which Stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels (i.e. ditches), reservoirs and other drainage structures.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

Director means the Director of Environmental Services of the County of Monroe, employees acting under his/her supervision or his/her duly authorized agent or representative.

Fats, Oils and Greases (FOG) means any material which is extractable from an acidified sample of waste by Hexane or another specified solvent in an Approved Laboratory Procedure.

Illicit Connections means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the County Storm Drainage System. Examples include, but are not limited to, any drain or conveyances which allow any Non-Stormwater discharge including Sewage, Process Wastewater and Wastewater to enter the County Storm Drainage System and any connection to the County Storm Drainage System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the Director; or

2. Any drain or conveyance connected from a commercial or industrial land use to the County Storm Drainage System which has not been documented in plans, maps or equivalent records and approved by the Director.

Illicit Discharge means any direct or indirect Non-Stormwater discharge to the County Storm Drainage System except discharges pursuant to a SPDES Permit (other than the SPDES permit for discharges from the municipal separate storm sewer system) or as exempt in Section 7.3 of this Law and any Stormwater discharges to the Sanitary Sewer except as permitted by the Director.

Industrial User see User, Industrial.

Industrial Wastes means any liquid, gaseous or solid substance or any combination discharged to the Publicly Owned Treatment Works which result from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

Infiltration means water other than wastewater that inadvertently enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from Inflow.

Inflow means water, other than Wastewater, that is purposefully designed to enter a sanitary sewer system (including building drains) from sources such as, but not limited to, Stormwater, roof leaders, cellar drains, sump pumps, area drains, drains from springs and wetland areas, manhole covers, cross connections between Storm Sewers and Sanitary Sewers, catch basins, cooling towers, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

Interference means a discharge which, either alone or in conjunction with a discharge or discharges from other sources both inhibits or disrupts the Publicly Owned Treatment Works, its treatment processes or operations, or its Sewage Sludge processes, use or disposal, and therefore causes a violation of any requirement of the County's State Pollutant Discharge Elimination System Permit (including an increase in the magnitude or duration of a violation) or of the prevention of Sewage Sludge use or disposal in accordance with the following statutory provisions or any other statutory provisions in effect at the time and regulations or Permits issued thereunder (or more stringent State or local regulations):

1. Section 405 of the Clean Water Act;

2. Solid Waste Disposal Act (including Title II, more commonly referred to as the Resource Conservation and Recovery Act) as well as state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act;

3. Clean Air Act;

4. Toxic Substance Control Act; and

5. Marine Protection Research and Sanctuaries Act.

Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manhole channels, or storm drains):

1. Owned or operated by a State, county, city, town, borough, village parish, district association or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes including special districts, under State law such as a sewer district, flood control district, or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to Waters of the United States;

2. Designed or used for collecting or conveying Stormwater;

3. Which is not a Combined Sewer; and

4. Which is not part of a Publicly Owned Treatment Works.

Municipal Sewerage System means a system of sewers not owned nor operated by Monroe County.

National Pretreatment Standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with sections 307(b) and (c) of the Clean Water Act, (33 U.S.C. §1317) which applies to Industrial Users. This term includes prohibition discharge limits established pursuant to 40 CFR Part 403.5.

New Source means any building, structure, facility or installation from which there is or may be a discharge of pollutants, construction of which began after the publication of the proposed Categorical Pretreatment Standard pursuant to Section 307(c) of the Clean Water Act, which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that certain location and construction criteria are met.

Non-Stormwater means any flow not composed entirely of Stormwater.

Normal Sewage means Wastewater, which, when analyzed, show Pollutant concentrations which do not exceed three-hundred milligrams per liter (300 mg/L) Biochemical Oxygen Demand, three-hundred milligrams per liter (300 mg/l) Total Suspended Solids and/or ten (10 mg/l) total phosphorus.

Nuisance means the use or lack of use of the Publicly Owned Treatment Works or County Storm Drainage System in such manner so as to endanger life or health, give offense to the senses, obstruct or otherwise interfere with the reasonable operation or maintenance of the Publicly Owned Treatment Works or County Storm Drainage System.

Pass Through means a discharge which exits the POTW into Waters of the United States 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 POTW's State Pollutant Discharge Elimination System Permit (including any increase in the magnitude or duration of a violation).

Permit means a temporary, revocable written document allowing the use of the Publicly Owned Treatment Works for specific discharge of Wastewaters over a limited period of time. Permits available from Monroe County include, but are not limited to: Industrial Sewer Use Permits; Industrial Waste Generator Permits; Scavenger Waste Hauler Disposal Permits; Short Term Discharge Permits; Recreational Vehicle Disposal Permits; Sludge Generator Disposal Permits and Sewer Connection Permits.

Person means any individual, public or private, corporation, partnership, political subdivision, Federal, State or local agency or entity, association, trust, estate or any other legal entity whatsoever or an agent or employee thereof.

pH means a measurement of the acid or base characteristics of an aqueous solution expressed in standard units.

Pollutant means anything which causes or contributes to pollution when placed/discharged into or onto the State's waters, lands and/or air, which interferes with the beneficial use of that water, land and/or air by any living thing at any time. Pollutant may include, but are not limited to: dredged spoil; solid waste incinerator residue; filter backwash; Sewage; Sewage Sludge; munitions; chemical wastes; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)); heat; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal, and agricultural waste discharged into water; paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid; yard wastes; refuse, rubbish, litter or other discarded or abandoned objects; ordinances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pretreatment Requirement means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Private Sewage Disposal System means a facility that treats Sewage or other liquid wastes for discharge into the groundwaters of New York State, serving one or more parcels of land or residential households, or a private, commercial or institutional facility.

Process Wastewater means any water which, during manufacturing or processing comes in direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly Owned Treatment Works (POTW) means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by a State or municipality (as defined by Section 502(4) of the Clean Water Act). This definition includes any devices and systems used in the storage,

treatment, recycling and reclamation of Sewage or Industrial Wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a County owned, leased, or operated Wastewater Treatment Plant.

Receiving Waters means a natural Watercourse or body of water into which treated Wastewater is ultimately discharged.

Regional Administrator means the Administrator of the United States Environmental Protection Agency, Region 2.

Resource Conservation Recovery Act means 42 U.S.C. §6901 et seq. as may be amended.

Rule or Regulation means each statement of general or specific applicability that implements, interprets or describes the organization, procedures, or requirements of the County Sewer Districts as pertains to Users and other Persons that may have an impact on operations of the Publicly Owned Treatment Works.

Sanitary Sewer means a sewer which conveys Wastewater and to which Stormwater, surface and groundwaters are not intentionally admitted.

Scavenger Wastes means wastes hauled to the Publicly Owned Treatment Works, collected from privies, septic tanks, cesspools, chemical toilets, camper and marine holding tanks; Sewage Sludge or sludges from treatment of non-hazardous Industrial Wastes; or other domestic, commercial and Industrial Waste.

Sewage means that component of Wastewater discharged from the sanitary conveniences of dwellings (including apartments, houses and hotels, industrial buildings and institutions) such as toilets, showers, dishwashers, backwash from swimming pools, etc.

Sewage Sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water or domestic sewage. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced waste water treatment, scum, seepage, portable toilet pumpings, type III marine sanitation device pumpings, and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

Significant Industrial User see User, Significant Industrial.

Slug Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 3.3 of this law. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause

Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard means a criterion established by the applicable regulatory authority.

State means the State of New York.

State Pollutant Discharge Elimination System Permit (SPDES) means the Permit issued by New York State Department of Environmental Conservation (under authority delegated pursuant to 33 U.S.C. §1342 (b)) that authorizes the discharge of Pollutants to Waters of the United States, whether the Permit is applicable on an individual or general area-wide basis.

Storm Sewer means a sewer system which collects and conveys Stormwater and drainage. Storm Sewers are separate from Combined and Sanitary Sewers.

Stormwater means the flow resulting from any natural form of precipitation, whether retained temporarily or not.

Total Suspended Solids (TSS) means the dry weight expressed in milligrams per liter of solids that either, float on the surface, are in suspension in Wastewater, or are settleable(??) and can be removed from Wastewater by filtration, as determined by an Approved Laboratory Procedure.

Unpolluted Waters means Stormwater, Surface Water, groundwater, roof runoff, subsurface drainage and uncontaminated Cooling Water.

User means any individual, association, organization, partnership, firm, corporation or other entity discharging to the Publicly Owned Treatment Works or County Storm Drainage System.

User, Industrial means any source that discharges Industrial Waste to the Publicly Owned Treatment Works.

User, Significant Industrial (SIU) means, unless exempted under procedures defined in 40 CFR Chapter I, Subchapter N, Part 403, any Industrial User of the Publicly Owned Treatment Works who:

1. Is subject to Categorical Pretreatment Standards, or;

2. Discharges an average of 25,000 gallons per day or more of Process Wastewater to the Publicly Owned Treatment Works unless this volume is modified and approved by the United States Environmental Protection Agency, or;

3. Contributes a Process Wastewater stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Wastewater Treatment Plant, or;

4. Is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the Publicly Owned Treatment Works operation or for violating any National Pretreatment Standard or Pretreatment Requirement.

Wastewater means liquid and water-carried Industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the Publicly Owned Treatment Works.

Wastewater Treatment Plant means that portion of the POTW which is designated to provide treatment (including recycling and reclamation) of municipal Sewage and Industrial Waste.

Water Quality Standards means those Standards found in the New York Codes, Rules and Regulation Title 6 Part 703.

Waters of the United States means all waters defined at 40 CFR §122.2.

Watercourse means Waters of the United States.

Section 2.2 Abbreviations

BMP: Best Management Practices
BOD: Biochemical Oxygen Demand
C: Celsius
CAP: Corrective Action Plan
CERCLA: Comprehensive Environmental Response Compensation and Liability Act
CFR: Code of Federal Regulations
EPA: United States Environmental Protection Agency
F: Fahrenheit
FOG: Fats, Oils and Grease
I & I: Inflow and Infiltration
MS4: Municipal Separate Storm Sewer System
NELAC: National Environmental Laboratory Accreditation Conference
NYCRR: New York Code of Rules and Regulations
NYSDEC: New York State Department of Environmental Conservation
P: Phosphorus
POTW: Publicly Owned Treatment Works
RV: Recreational Vehicle

RCRA: Resource Conservation Recovery Act
SPDES: State Pollutant Discharge Elimination System
TSS: Total Suspended Solids

Part II Sanitary, Combined and Storm Sewers: This part shall apply to all Wastewater entering the POTW generated by any User and Stormwater entering the County Storm Drainage System.

Article III. Use of Publicly Owned Treatment Works (POTW)

Section 3.1 Limitation of Use

(a) Use of the POTW

The use of the POTW shall be strictly limited and restricted, except as provided in Subdivision 3.1(B) hereof, to receive and accept wastes and/or waters in the applicable Sanitary, Combined or Storm Sewers which connections to such sewers have been approved by the Director. All Sewage, Process Water, Wastewater and, in the case where Combined Sewers are available, Stormwater received into the POTW shall be generated on, or discharged from, real property lying within the bounds of the County Sewer Districts as established, altered, changed, modified, reduced, enlarged, combined and/or consolidated by action of the Legislature of the County of Monroe.

A municipality which lies within the bounds of the County Sewer District and operates its own sewerage system which discharges into the County POTW shall control inherent conditions within their own collection system, including but not limited to, sulfides, Inflow and Infiltration. The Director may require the municipality to provide appropriate treatment and/or BMPs to control such discharges at the municipality's expense.

(b) Exception to Limitations

1. The discharge of Wastewater generated on or discharged from real property lying outside the bounds of County Sewer Districts into the POTW shall be made only with consent of the Director, the respective District Administrative Board(s) and/or the Monroe County Legislature, and upon the issuance of a Permit or written agreement setting forth the terms and conditions for such discharge. Any Municipal Sewerage System outside the bounds of the County Sewer Districts, receiving permission to discharge into the County Sewer Districts, shall be covered by this Law until such time as such municipality may enact an equivalent or more restrictive Sewer Use Law approved by the Director.

2. The discharge of wastes, including, but not limited to, Scavenger Waste and Sewage Sludge or sludge, generated outside the bounds of County Sewer Districts into the

POTW shall be made only with the consent of the Director by issuance of a Permit or written agreement.

Section 3.2 Health Regulations

A local municipality, the Monroe County Department of Public Health, NYSDEC, EPA or such other State or Federal Agencies which have enforcement powers, may issue directives and/or orders calling for the mandatory use of the POTW, for reasons including, but not limited to, disconnecting a Private Sewage Disposal System for the proper discharge of Sewage or the discharge of industrial wastes and other wastes to the County Sewer District.

Section 3.3 Pollutant Discharge Limitations

(a) General Prohibitions

A User may not introduce any pollutant(s) which Pass Through or cause Interference. Whenever any Pollutant or Wastewater is generated in such quantities that may injure the public, cause damage to the sewers into which it is discharged, adversely affect the treatment of Wastewater, not yield readily to the treatment process, or adversely affect the Receiving Waters, said Pollutant or Wastewater shall not be discharged into the POTW. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to Categorical Pretreatment Standards, Stormwater regulations or any other national, state or local Pretreatment Requirements or Standards. The Director must be contacted immediately to make a determination if any questionable wastes or wastewaters are being considered for discharge to the sewer system. Upon notification to a User that it is engaged in activities that cause or contribute to violations of this Law, that User shall take all reasonable actions to correct such activities such that it no longer causes or contributes to violations of this Law.

Examples of generally prohibited substances include, but are not limited to, the following:

1. Antibiotics
2. Elemental or ionic Bromine, Iodine, Chlorine, Flourine
3. Creosols or Creosotes
4. Phenol and Phenolic compounds that convert to Phenol in the sewerage system
5. Sulfonamides, toxic dyes (organic or mineral)
6. Metal finishing chemicals, electroplating process chemicals or metal sludges
7. Petroleum tank bottoms or redistilled solvent bottoms
8. All strong oxidizing agents including but not limited to Chromates, Dichromates and Permanganates
9. Any reducing agents causing hazardous conditions in the sewerage system
10. Chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction

11. Wastes from industrial processes or hospital procedures containing viable pathogenic organisms

(b) Specific Prohibitions

The following pollutants shall not be introduced into a POTW:

1. Any pollutants which create a fire or explosive hazard in the POTW, including but not limited to gasoline, benzene, naptha, fuel oil, alcohols, or other flammable or explosive liquid, solids or gases with a closed cup flashpoint of less than 140 degree F (60 degrees C) using the test methods specified in 40 CFR 261.21.

2. Any Wastewater to the POTW having a pH lower than 5.5 standard units or having a pH higher than 10.0 standard units or having any other corrosive properties capable of causing damage or hazard to structures, equipment and/or personnel employed in its operation and maintenance. Discharges having a pH between 5.0 and 12.0 standard units are permitted in quantities that do not harm the POTW or its staff in any way and are specifically listed in the User's Permit.

3. Any solids or viscous substances capable of causing obstruction to the flow in sewers or other Nuisance with the proper operation of the sewer system. Examples of prohibited substances include, but are not limited to: grease; construction materials; ashes; cinders; sand; mud; straw; shavings; metal; glass; rags; feathers; tar; plastic; wood; paunch manure; coffee grounds; fur; wax; cement; hops; spent grain, whole blood or filter media.

4. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

5. Heat in amounts either singly or by interaction with other Wastewater which will inhibit biological activity in the Wastewater Treatment Plant, result in Nuisance or Interference or cause any other problems in the POTW. No discharge shall be permitted where the temperature of said discharge exceeds 150 degrees F (65 degrees C) at the point of connection to the POTW, or 104 degrees F (40 degrees C) at the Wastewater Treatment Plant, unless the EPA Region 2, upon request of the Director, approves alternative temperature limits.

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts what will cause Interference or Pass Through.

7. Any Pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

9. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail the toxicity testing program as specified in the POTW SPDES Permit.

(c) Restricted Discharges

No materials, substances, waters or wastes including any wastes listed within this Law shall be discharged which shall be found to harm the County Sewer System, the sewage treatment process, have an adverse effect on the receiving waters or would endanger life, limb, public property or shall constitute a nuisance.

The following substances are prohibited from being introduced into the POTW, but are subject to review by the Director:

1. Any water or waste containing wax, fats, oils, greases, whether emulsified or not, in excess of one hundred (100) milligrams per liter, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees F and one hundred fifty (150) degrees F (0 and 65 degrees C). The review by the Director shall determine whether the type of grease discharged shall cause a blockage or have an impact on the POTW.

2. Any garbage that has not been properly shredded or triturated.

3. Any waters or wastes containing substances in amounts determined to be potentially objectionable or toxic.

4. Any water or wastes containing phenolic compounds or other objectionable tasting and/or odorous substances, in concentrations exceeding limits which are established in this law necessary to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.

5. Any radioactive wastes or isotopes of such half-life or concentration which exceed limits established by the applicable State or Federal Regulations, or regulations promulgated by the Director pursuant to Section 5.2 herein.

6. Discharges consisting of, or possessing, any of the following characteristics:

    a. Adverse concentrations of inert suspended solids including but not limited to, Fuller's earth, lime slurries and lime residues or dissolved solids, sodium chloride and sodium sulfate.

    b. Wastewater with color that either cannot be removed at the Wastewater Treatment Plant or is visible at a controlling structure within the POTW.

Examples of controlling structures include but are not limited to, pumping stations, screenhouses and Combined Sewer overflow locations.

c. Biochemical Oxygen Demand, total suspended solids, total phosphorous or chlorine requirements in such quantities as to constitute an unacceptable additional load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting Slug Load.

7. Any noxious or malodorous solids, liquids or gases which either singly or by interaction with other wastes are sufficient to create a Nuisance or a hazard to life or may prevent entry into the POTW for their maintenance or repair.

8. Sludges, screenings, or other residues from the pretreatment of Industrial Wastes unless determined by the Director to be compatible to the POTW and are in compliance with federal Categorical Pretreatment Standards and National Pretreatment Standards.

9. Medical wastes, antibiotics, pharmaceuticals, over the counter medicines or any infectious wastes, except those wastes which are authorized for disposal into the POTW under Federal or New York State regulations, local regulations that may be more stringent or specifically authorized by the Director in an individual Permit or other written approval.

10. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW.

11. Waters or wastes containing substances in concentrations not amenable, or only partially amenable, to treatment or reduction by the Wastewater Treatment Plant processes resulting in treated Wastewater effluent not meeting requirements of Federal and State agencies having regulatory authority over the discharge of effluent into the Receiving Waters.

12. Unpolluted Waters except those discharged to a Combined Sewer or expressly permitted by the Director in writing.

(d) Local Limitation

No User shall discharge, directly or indirectly, into the POTW, Wastewater containing any of the following substances in concentrations exceeding the daily maximum limits specified in the table herein as determined by representative sampling of the User's daily discharge.

TABLE 1 LOCAL LIMITATIONS	
Substance	Daily Max. Limit (mg/l)
Antimony, total	1.0
Arsenic, total	0.5
Barium, total	2.0
Beryllium, total	5.0
Cadmium, total	1.0
Chromium, total	3.0
Copper, total	3.0
Cyanide total	1.0
Iron	5.0
Lead, total	1.0
Manganese, total	5.0
Mercury, total	0.05
Nickel, total	3.0
Selenium, total	2.0
Silver, total	2.0
Thallium, total	1.0
Zinc, total	5.0

(e) Permissible Concentrations of Toxic Substances

The concentration in Sewage of any Pollutant substances shall not exceed the concentration limits specified by Federal and State Regulatory Agencies or this Law promulgated under this Law when discharged into the sewer. The Director may revise the established limits in this Law, or insert additional limits on items after a Hearing held by the Administrative Board.

(f) Special Concentration Limits

When an Administrative Board finds that the volume of a single toxic Industrial Waste discharge or the combined toxic Industrial Waste discharge of a group of industries within a single contributory area acts in a manner as to cause an ultimate concentration of toxic substances entering the POTW; or in cases where it is known that the toxic substances in the concentrations involved will be effectively removed by the sewage treatment plant without causing deleterious effects of any kind to the treatment process, or the receiving waters, the Administrative Board may rule that separate or special concentration limits shall be used by said contributors.

(g) Categorical Pretreatment Standards

Users of the POTW shall comply with all applicable Standards and requirements of the Clean Water Act and applicable Standards and requirements promulgated pursuant to the Clean Water Act. The Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405 – 471, as amended, are hereby incorporated by reference. Upon the promulgation of final Categorical Pretreatment Standards for a particular industrial subcategory, the Categorical Pretreatment Standards, if more restrictive than limitations imposed under this Law for industries in that subcategory, shall then supersede local regulation for the class of Industrial User on the date the Categorical Pretreatment Standard(s) becomes effective unless a removal credit determined in accordance with 40 CFR Chapter I, Subchapter N, Part 403 is approved by EPA Region 2.

Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement.

When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative limits may be derived by the Director or

by the Industrial User with the written concurrence of the Director in accordance with the provisions of 40 CFR 403.6(e).

Section 3.4 Pretreatment and Discharge Control Facilities

Pretreatment or discharge control facilities shall be provided for discharges to the POTW when required by New York State or Federal regulations or when, in the judgment of the Director, such facilities are necessary to ensure compliance with the provisions of the Law or for the control of pollutants that are contained or may be contained in any of the User's discharges or for the prevention or control of Slug Discharges or spills. All such facilities shall be located so as to be readily accessible for normal operations and maintenance, and shall be available for inspection by the Director as may be needed.

(a) Contaminated Groundwater Discharges

The POTW may accept, by permission from the Director, discharges from groundwater remediation projects under State or Federal order or from projects correcting environmental or public health issues. The User must submit to the Director a written request to discharge such groundwater. A Permit to discharge may be granted contingent upon adherence to conditions including but not limited to, the following:

1. A complete description of the remediation site must be provided and include: identification of all sources contributing to the discharge; an estimate of the total volume of contaminated groundwater; a description of the method that will be used to measure flow; and the time frame of the project.

2. The contaminated groundwater, where applicable, must be treated using best available technology for reducing pollutants of concern. The User must submit pertinent technical information and specifications of the pretreatment system process components that will be used.

3. When a Storm Sewer is available, a letter must be obtained by the User from the NYSDEC declaring that draining such discharge to the POTW is in the public's best interest.

4. When and where applicable, all cleanup activities must be in accordance with NYSDEC or EPA rules and regulations.

5. Submission of analytical test results required by the Director, from a representative sample(s) of the contaminated groundwater to be discharged. The parameters which must be tested are at the discretion of the Director. The Director may set local limits for parameters that are not listed herein.

The User shall be subject to the Permit conditions specified in this Law. Contaminated groundwater shall be discharged to the POTW only at a location designated and permitted by the Director in writing or in the case where the discharge is to a tributary of the County POTW, only by the specific designation of the applicable owner/operator of that particular sewerage system. The Director may require that the discharge be limited to a specific time frame or a specific rate of discharge.

(b) Waste Load Allocations for Pollutants

The Director shall determine the hydraulic capacity and maximum allowable mass loading for substances that limit process capacity for each Wastewater Treatment Plant.

The hydraulic capacity and maximum allowable mass loading for the limiting waste substance(s) at each Wastewater Treatment Plant shall include a reserve to establish the "critical" loading margin, and shall be in accordance with the following:

1. A portion shall represent a factor of safety to protect the Wastewater Treatment Plant from unusual load conditions and also account for data variability including data quality and quantity; and

2. A portion shall represent an allowable growth rate in loading over five (5) years.

When critical load is reached, the Director shall then determine steps to protect the plant.

(c) Flow and Pollutant Loading Equalization

No User shall cause disruption to the POTW due to excessive flow and/or Pollutant loading. If conditions warrant, User shall install and maintain, on its property or rental property at its expense, a suitable storage and flow control facility to ensure equalization of flow and/or loading over a twenty-four (24) hour period. The facility plan shall be reviewed and approved by the Director and at a minimum shall be equipped with alarms and a rate of discharge controller, regulation of which shall be at the discretion of the Director.

(d) Traps and Interceptor Devices

Commercial and Industrial Users may be required to install an interceptor or trap for the removal of FOG, grit or other harmful or flammable substances that may be permissible for discharge. Degreasers, enzymes and similar substances that act to temporarily emulsify or suspend FOG shall not be introduced into any device designed to capture and retain FOG. All interceptors and traps shall be maintained in accordance with manufacturer's specification.

(e) Spill Containment Facilities

A User shall provide, when required by State or Federal regulations or by the Director, facilities that are necessary for the containment of any raw materials, products, wastes or other potential pollutants used or stored on the User's premises in locations where a spill of the material could potentially enter into the POTW. The Director may take into account whether or not the material(s) may cause Nuisance, Interference or Pass Through when determining the requirement of such facilities.

(f) Slug Discharge Control Plan

If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch Discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the POTW of Slug discharges, with procedures for follow-up written notification within five (5) days;

4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Article IV. Exclusion of Unpolluted Waters and Control of Inflow and Infiltration

Section 4.1 Exclusion of Unpolluted Waters

No User of the POTW or User of a system tributary to the County POTW shall discharge Unpolluted Waters into the Sanitary Sewer except with the permission of the Director pursuant to a properly issued Permit or written approval. Unpolluted Waters shall include, but not be limited to, any Stormwater, Surface Water, groundwater, roof runoff, subsurface drainage, uncontaminated Cooling Water, unpolluted industrial process water, lake, wetland, natural or manmade pond. No User of the County POTW or system tributary to the County POTW shall drain any lake, natural or man-made pond into a Combined Sewer except with the permission of the Director pursuant to a properly issued Permit or written approval. The Director may prohibit discharge to the Combined Sewer of part or all of Unpolluted Water sources when it is necessary to control the flow to minimize or eliminate downstream POTW capacity issues.

Section 4.2 Responsibility of Local Government

Any local government or entity responsible for sewer systems that are within a tributary of the County POTW shall be obligated to enforce User compliance to those regulations pertaining to exclusion of unpolluted waters herein.

In consideration of the prevalence of Inflow and Infiltration problems in Municipal Sewerage Systems, all local governments and entities responsible for said systems that discharge flows to the POTW shall commit to an Inflow and Infiltration abatement program. The local government or entity responsible for such tributary or satellite collection systems shall be required to document and provide to the District reasonable demonstration of an ongoing Inflow and Infiltration abatement program. Reasonable demonstration shall mean documentation of the effort and various methods so utilized to evaluate, repair, replace and rehabilitate sewers, manholes and laterals that are generating, or have the potential to generate, Inflow and Infiltration loading on the County POTW.

Flows from local government collection systems, when there exists evidence, either in volume of discharge, or observation of a connection(s) from a source(s) of Unpolluted Water, the County Sewer District shall levy an annual surcharge to that User in accordance with Section 10.7 (3)(b) herein.

Section 4.3 Enforcement Procedures for Non-Compliance

If excessive volumes of Stormwater, Surface Water, groundwater, etc. are observed entering the Sanitary Sewer directly or by Inflow or Infiltration of the local Sanitary Sewer, the Director shall take the following actions:

1. Written notice shall be given to the property owner and/or local government unit responsible for discharges, private or otherwise, into its collection system contributing excessive volumes of water. The local government unit shall be responsible for discharges, private or otherwise, into its collection system and therefore subject to charges as defined in Section 10.7(3) herein.

2. Within three (3) months after notification to the property owner and/or government unit, a timetable for the elimination and/or control of the excessive water from direct discharge or from Inflow and Infiltration shall be filed with the Director for his/her approval.

3. A property owner or local government unit failing to provide said timetable or not substantially complying with the scheduled abatement of excessive direct discharge or from Inflow and Infiltration pursuant to the timetable filed with the Director shall be surcharged for the excessive water in accordance with Section 10.7(3)(a) or (b) herein , until compliance is achieved. Payment of the surcharge for excessive flow is not to be construed as a substitute for compliance and any other applicable enforcement actions.

A local government, responsible for a Municipal Sewerage System that discharges flows to the POTW, which has an I&I abatement program approved by the Director, may be exempt from the excessive flow surcharge defined in Article X, Section 10.7(3), provided the I&I abatement program is effective and ongoing.

Article V. Permits

Section 5.1 Sewer Connection Permit

A Sewer Connection Permit is required whenever a new connection is made in the Rochester Pure Waters Sewer District, Gates-Chili-Ogden Sewer District, directly to a Monroe County owned sewer or interceptor, or for the installation of a property lot line clean-out. The issuance of a Sewer Connection Permit shall obligate the User to comply with all applicable conditions of this Law. All Users currently discharging to the POTW or County Storm Drainage System shall be subject to all requirements herein, regardless of the existence, or lack thereof, of a Sewer Connection Permit.

Section 5.2 Permits for Industrial Users and Waste Generators

A permit shall be required whenever any Industrial Waste is produced in such quantities and discharged into the POTW so that it may injure the public sewers into which it is discharged, adversely affect the treatment of Sewage, not yield readily to treatment processes, or adversely affect the receiving waters, said Industrial Waste shall not be discharged into the POTW or public sewers tributary thereto without a permit.

It shall be unlawful for any person to discharge directly or indirectly into the County Sewer System or public sewers tributary thereto industrial wastes or other wastes the characteristics of which do not conform to the concentration limits prescribed for “normal sewage” or to discharge any toxic substances in potentially toxic amounts or any other objectionable material or substance as specified within article III herein, except upon such terms and conditions as set forth in a permit.

An Industrial User is required to have a permit for any of the following situations:

1. A discharge of Process Wastewater from an industry that meets the applicability of a Categorical Pretreatment Standard.

2. Engaging in activities producing wastewater that could potentially harm or have an impact on the POTW, including, but not limited to: bleaching and dying; bottling; brewing; cotton textile manufacturing or processing; dairies; manufacturing of dairy products; distilling; fat rendering; film processing; food processing; galvanizing; glue manufacturing; laundromats; groundwater remediation; industrial laundries; manufacture of syrups, jams or jellies; meat packing; metal pickling or plating; munition manufacturing; oil refining; optical goods manufacturing; organic or inorganic chemical

manufacturing; photographic processing; pulp and paper making; rubber production; salt works; slaughterhouses; soap making; sugar refining; tanning; wool souring or washing; or any industry producing wastes with strong acid or alkaline properties or which may form deposits in or cause damage to the POTW.

3. Discharging 25,000 gallons per day or more of Process Wastewater to the POTW.

4. Any other discharge deemed by the Director to require a permit.

The User shall notify the Director of a discharge that may require permitting.

(a) Industrial Sewer Use Permit

An Industrial Sewer Use Permit may be required for an Industrial User that has a direct connection to the POTW.

1. **Application:** The applicant for a Permit shall be the owner of the property, company or individual discharging the Wastewater to the sewer. The Permit applicant shall use the form provided by the Director. These forms shall require information that the Director may need to determine whether the Wastewater could adversely impact the POTW. All information required by the application form shall be furnished by the applicant. An application fee shall accompany the application to defray part of the administrative costs of processing the application, and may include the cost of inspection of the applicant's facilities and waste sampling programs. The application fee shall be included and listed in the annual Scale of Charges of the County Sewer Districts as approved by the Monroe County Legislature.

2. **Permit:** The Permit may contain monitoring requirements and other stipulations based on site specific conditions as determined by infrastructure, individual plumbing configurations, and discharge content. These conditions shall in no case be less restrictive than this Law, but in some cases may be more restrictive due to discharge characteristics or other atypical circumstances. All acts performed under the terms and conditions of the Permit shall be subject to supervision or inspection by the Director. All Industrial Sewer Use Permits issued by the Director are nontransferable and shall be for a specified term not to exceed five (5) years.

3. **Permit Modification:** An Industrial Sewer Use Permit may be modified by the Director for just cause. Any changes or new conditions in the renewal Permit shall include a reasonable time schedule for compliance. Just cause shall include, but not be limited to:

   a) Promulgation of an applicable Categorical Pretreatment Standard;

b) Variance from such Categorical Pretreatment Standard pursuant to 40 CFR 403.13;

c) Changes in general discharge prohibitions and local limits per the Sewer Use Law;

d) Changes in processes in discharge volume or character;

e) Changes in design or capability of any part of the POTW;

f) Changes in the nature and character of the Wastewater in the POTW as a result of the permitted discharges;

g) Violation of any terms or conditions of the User's Permit;

h) Misrepresentations or failure to fully disclose all relevant facts in the User's Permit application or in any required reporting;

i) To correct typographical or other errors in the User's Permit;

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

4. **Facility Closure Notification:** The User must notify the Director of plans to close the facility as soon as plans are confirmed. The Director shall determine the discharge suitability of any discharges associated with the facility closure including, but not limited to process chemicals, baths or other wastes. Written permission shall be obtained from the Director prior to discharge.

5. **Permit Revocation or Suspension:** A violation by the User of any Permit conditions may be cause for revocation or suspension of the Permit, in accordance with procedures in Article IX of this Law. If the violation is under Sections 9. 6, the revocation is immediate upon receipt of notice. A hearing shall be held as soon as possible thereafter to provide a proper recourse and response of the User, in addition to establishing a means to rectify the interim conditions of use as may be assigned by the Director.

6. **Charges for Industrial Waste Discharges to the Sewer:** Charges shall be in accordance with Article X.

(b) Industrial Waste Generator Permit

An Industrial Waste Generator Permit may be required for an Industrial User that has Wastewater, or any component thereof, hauled or trucked into the POTW. A Permit is required where the Industrial User is engaged in activities as described in Section 5.2 herein.

1. **Application:** An applicant for an Industrial Waste Generator Permit shall be the generator of the Wastewater. The Permit applicant shall use the form provided by the Director. These forms shall require information that the Director may need to determine whether the hauled Wastewater could adversely impact the POTW. All information required by the application form shall be furnished by the applicant. An application fee shall accompany the application to defray part of the administrative costs of processing the application and may include the cost of inspection of the applicant's facilities and waste sampling programs. The fee shall be included and listed in the Scale of Charges of the County Sewer Districts as approved by the Monroe County Legislature.

2. **Permit:** The Permit may contain monitoring requirements and other stipulations based on site specific conditions as determined by infrastructure, individual plumbing configurations and discharge content. These conditions shall in no case be less restrictive than this Law, but in some cases may be more restrictive due to discharge characteristics or other typical circumstances. All acts performed under the terms and conditions of the Permit shall be subject to supervision or inspection by the Director. All Industrial Waste Generator Permits issued by the Director are nontransferable and shall be for a specified term not to exceed five (5) years. The User's hauler must also be duly permitted by the NYSDEC under 6 NYCRR Part 364 and have a Scavenger Waste Hauler Disposal Permit issued by the Director.

3. **Permit Modification:** An Industrial Waste Generator Permit may be modified by the Director for just cause. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Just cause shall include, but not be limited to:

   a) Promulgation of an applicable Categorical Pretreatment Standard;

   b) Variance from such Categorical Pretreatment Standard pursuant to 40 CFR 403.13;

   c) Changes in general discharge prohibitions and local limits per this Sewer Use Law;

   d) Changes in processes, in discharge volume or character;

   e) Changes in design or capability of any part of the POTW;

f) Changes in the nature and character of the Wastewater in the POTW as a result of other permitted discharges;

g) Violation of any terms or conditions of the User's Permit;

h) Misrepresentations or failure to fully disclose all relevant facts in the User's Permit application or in any required reporting;

i) To correct typographical or other errors in the User's Permit;

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

4. **Facility Closure Notification:** The User must notify the Director of plans to close the facility as soon as plans are confirmed. The Director will determine the suitability of any discharges associated with the facility closure including, but not limited to process chemicals, baths or other wastes. Written permission must be obtained from the Director prior to discharge.

5. **Permit Revocation or Suspension:** A violation by the User of any Permit conditions may be cause for revocation or suspension of the Permit, in accordance with procedures in Article IX of the Law. If the violation is under Sections 9.6 the revocation is immediate upon receipt of notice. A hearing shall be held as soon as possible to provide a proper recourse and response of the User, in addition to establishing a means to rectify the interim conditions of use as may be assigned by the Director.

6. **Charges for Hauled Industrial Wastewater:** Charges shall be in accordance with Article X.

(c) Short Term Discharge Permit

A Short Term Discharge Permit may be required of any User requesting to discharge Industrial Wastes, including but not limited to water contaminated with petroleum products, for a period not to exceed six (6) months.

1. **Application:** The applicant for a Permit shall be the owner of the property, company or individual discharging the Wastewater to the sewer. The applicant shall use the form provided by the Director. These forms shall require information that the Director may need to determine whether the Wastewater could adversely impact the POTW. All information required by the application form shall be furnished by the applicant. An application fee shall accompany the application to defray part of the administrative costs of processing the application and may include the cost of inspection of the

applicant's facilities and waste sampling programs. The application fee shall be included and listed in the annual Scale of Charges of the County Sewer Districts as approved annually by the Monroe County Legislature.

2. **Permit:** The Permit may contain monitoring requirements and other stipulations based on site specific conditions as determined by infrastructure, individual plumbing configurations, and discharge content. These conditions shall in no case be less restrictive than this Law, but in some cases may be more restrictive due to discharge characteristics or other atypical circumstances. All acts performed under the terms and conditions of the Permit shall be subject to supervision or inspection by the Director. All Short Term Discharge Permits issued by the Director shall be for a maximum of six (6) months. The Permit is nontransferable.

3. **Permit Modification:** The Permit may be modified by the Director for just cause. Any changes or new conditions in the renewal Permit shall include a reasonable time schedule for compliance. Just cause shall include, but not be limited to:

   a) Promulgation of an applicable Categorical Pretreatment Standard;

   b) Variance from such Categorical Pretreatment Standard pursuant to 40 CFR 403.13;

   c) Changes in general discharge prohibitions and local limits per the Sewer Use Law;

   d) Changes in processes in discharge volume or character;

   e) Changes in design or capability of any part of the POTW;

   f) Changes in the nature and character of the Wastewater in the POTW as a result of the permitted discharges;

   g) Violation of any terms or conditions of the User's Permit;

   h) Misrepresentations or failure to fully disclose all relevant facts in the User's Permit application or in any required reporting;

   i) To correct typographical or other errors in the User's Permit;

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

4. **Permit Revocation or Suspension:** A violation by the User of any Permit conditions may be cause for revocation or suspension of the Permit, in accordance with procedures in

Article IX of this Law. If the violation is under Sections 9. 6, the revocation is immediate upon receipt of notice. A hearing shall be held as soon as possible thereafter to provide a proper recourse and response of the User, in addition to establishing a means to rectify the interim conditions of use as may be assigned by the Director.

5. **Charges for Short Term Discharges:** Charges shall be in accordance with Article X.

(d) Sludge Generator Disposal Permit:

A Sludge Generator Disposal Permit may be required for a User that has its Sewage Sludge or approved sludge hauled or trucked into one of the County's Wastewater Treatment Plants. Sludge can only be discharged at the sludge handling process within the County's Wastewater Treatment Plants.

1. **Application:** The applicant for a Permit shall be the generator of the sludge. The Permit applicant shall use the form provided by the Director. These forms may require information that the Director may require to determine whether the trucked sludge could adversely impact the POTW. An application fee shall accompany the application. The fee is intended to defray part of the administrative costs of processing the application and may include but not be limited to the cost of inspection of the applicant's facilities and waste sampling programs. The application fee shall be included and listed in the annual Scale of Charges of the County Sewer Districts approved annually by the Monroe County Legislature.

2. **Permit:** The Permit may contain monitoring requirements and other stipulations based on site specific conditions. These conditions shall in no case be less restrictive than this Law, but in some cases may be more restrictive due to discharge characteristics or other atypical circumstances. All acts performed under the terms and conditions of the Permit shall be subject to review and approval by the Director. The Permit is nontransferable and shall be for a specified term not to exceed three (3) years. If applicable, no Permit shall be issued unless the applicant is properly licensed or permitted by the NYSDEC. The User's hauler shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364 (364 Permit) and have a Scavenger Waste Hauler Disposal Permit issued by the Director.

3. **Permit Revocation or Suspension:** False or deliberately misleading information on an application for a Permit shall invalidate any Permit issued and exposes the applicant to possible enforcement action in accordance with the procedures in Article IX of this Law. Failure to adhere to the terms or conditions of the Permit or violation of this Law regulating sludge disposal may be grounds for suspension or revocation of the Permit by the Director. Failure to pay District billing for sludge disposal services on a timely basis

may be cause for suspension of the Permit by the Director until such charges are paid in full.

4. **Charges for Sludge Disposal:** Rates charged for sludge treatment shall be the rates confirmed by the Monroe County Legislature in the County Sewer Districts Scale of Charges. The sludge generator shall be billed by the District for disposal services.

(e) Best Management Practices

The use of BMPs may be effective in reducing pollutants from Wastewater discharges to the POTW. Industrial Users that are not covered by the Categorical Pretreatment Standards and are not Significant Industrial Users may be exempt from Permit coverage by the Director when it is determined the volume and/or waste characteristics do not have a reasonable potential to exceed the limitations and requirements of this law at Section 3.3(A)-(D) and can be appropriately managed by BMPs developed by the Director. The Director may require documentation of BMP implementation to ensure the BMPs are being followed on a routine basis.

(f) Radioactive Wastes

Any institution or industry discharging radioactive or fission products into the POTW must be registered with the Director, as well as with other regulatory agencies as applicable law requires. The registration shall include all copies of State and Federal Permits governing radioactive waste discharges. The active elements and concentrations permitted to be discharged into the POTW shall be in conformance with the regulations of the NYSDEC promulgated pursuant to the Environmental Conservation Law of the State of New York and at all times within the limits set by this and other County, State and Federal Agencies. The Director may prohibit such discharge if it is determined to cause or may cause harm to the POTW.

Section 5.3 Permits for Waste Haulers

All haulers who discharge waste at the POTW must obtain a permit to haul waste. Haulers must also provide proof of discharge acceptance provided by the Director. Discharge acceptance may be by way of a Permit issued to the waste generator by the Director.

(a) Scavenger Waste Hauler Disposal Permit

The discharge of Scavenger Wastes shall be allowed at the POTW only with the approval of the Director and issuance of a Permit. The discharge of Scavenger Wastes shall be made only at a specific location, at certain times and on certain days of the week as stated in the permit. The time and conditions for permissible discharge shall be as set forth by the Director.

1. **Application:** The applicant for a Permit shall be the owner or lessee of the vehicle or vehicles hauling Scavenger wastes. The Permit applicant shall use the form provided by the Director. These forms may require information that the Director may need, to determine whether the trucked or hauled wastes could adversely impact the POTW. An application fee shall accompany an application. The fee is intended to defray part of the administrative costs of processing the application and may include but not be limited to the cost of inspection of the applicant's equipment and waste sampling programs. The application fee shall be included and listed in the annual Scale of Charges of the County Sewer Districts as annually approved by the Monroe County Legislature.

2. **Permit:** The Permit may contain conditions pertaining to trucked in wastes. These conditions shall in no case be less restrictive than this Law, but in some cases may be more restrictive due to discharge characteristics or other typical circumstances. The User shall also be duly permitted by the NYSDEC under 6 NYCRR Part 364. If for any reason, the 364 Permit is revoked, lapses or becomes invalid, then the Permit issued under this Article shall become invalid immediately. All acts performed under the Permit shall be subject to review and approval by the Director. All Scavenger Waste Hauler Disposal Permits issued by the Director are nontransferable and shall be for a specified term not to exceed three (3) years.

3. **Revocation or Suspension of Permit:** False or deliberately misleading information on an application for a Permit shall invalidate any Permit issued and exposes the applicant to possible enforcement action in accordance with the procedures in Article IX of the Law and any other legal consequences that may apply. Failure to adhere to the terms or conditions of the Permit or violation of this Law regulating Scavenger Waste disposal shall be grounds for suspension or revocation of the Permit by the Director. Failure to pay District billing for Scavenger Waste disposal services by the due date may be cause for suspension of the Permit until such charges are paid in full.

4. **Notification of Discharge:** The permittee shall register at the treatment plant administration building or an alternate location defined by the Director, prior to each disposal. The Director may require a manifest, inspection, sampling, and/or analysis of each load prior to the discharge of a load. Any extra costs associated with such inspection, sampling and analysis may be charged to the User.

5. **Charges for Scavenger Waste Disposal:** Discharge of scavenger wastes shall be made under individual tickets for each load to be discharged under the terms of the permit. Rates charged for Scavenger Waste treatment shall be those rates confirmed by the Monroe County Legislature in the County Sewer Districts Scale of Charges. The Scavenger Waste haulers shall be billed by the District for disposal services.

(b) Recreational Vehicle Disposal Permit

The disposal of domestic sanitary holding tank wastes from Recreational Vehicles shall be permitted at the POTW with the approval of the Director. The disposal of RV wastes shall be made at a designated location, only at certain times and on certain days of the week. The time and conditions for permissible discharge shall be set by the Director.

1. **Application:** The applicant for a Permit shall be the owner or lessee of the vehicle. The Permit applicant shall use the form provided by the Director. These forms may require information such as applicant name and address; vehicle/trailer information including make, model, year and license plate number; insurance coverage information with respect to the vehicle ownership. The Permit is nontransferable and valid for a period of up to five (5) years. An application fee shall accompany an application. The fee is to defray part of the administrative costs of processing applications and may include but is not limited to the cost of inspection of the applicant's equipment and waste sampling programs. The application fee shall be included and listed in the annual Scale of Charges as approved annually by the Monroe County Legislature.

2. **Permit Revocation or Suspension:** A violation by the User of any Permit conditions may be cause for revocation or suspension of the Permit, in accordance with procedures in Article IX of this Law.

3. **Notification of Discharge:** The permittee shall register and present the Permit at the treatment plant administration building or an alternate location defined by the Director, prior to each disposal.

4. **Charges for Recreation Vehicle Waste Disposal:** Rates charged for RV waste treatment shall be those rates confirmed by the County Legislature in the County Sewer Districts Scale of Charges. The permittee shall be billed by the District for disposal services.

Article VI. Permit Terms and Conditions

Section 6.1 Power to Inspect

All Users of the POTW are deemed to have consented to any inspections necessary for the orderly administration of this Law. The Director shall be granted permission and be provided access to private lands for the purpose of inspection, observation, measurement, sampling, testing or carrying out the duties necessary for the operation of the POTW in accordance with the provisions of this Law. Inspections shall normally be accomplished during hours of operation or at periods of sewer use with or without notice to the users. Inspection shall be performed in such a manner as to reasonably observe and quantify, if necessary, the

characteristics of the waters and wastes discharged into the POTW. Unreasonable delays in allowing the Director access to the premises or otherwise interfering with the activities of the Director shall be a violation of this Law. The Director shall not be required to sign a liability waiver, access agreement or similar document and access to property and/or records of a non-domestic source may not be refused on that basis. In instances where permission is denied, the Director shall make an application to a court of competent jurisdiction, for a search and/or seizure warrant describing therein the specific location subject to the warrant. While performing the necessary work on private lands, referred to above, the Director shall observe all safety rules applicable to the premises as established by the owner and/or occupant. It is the responsibility of the owner and/or occupant to communicate any safety rules to the Director. The owner and/or occupant shall be held harmless for injury or death to the Director, and the County shall indemnify the owner and/or occupant against loss or damage to its property by the Director and against liability claims and demands for personal injury or property damage asserted against the owner and/or occupant by the Director as result of any inspection and/or sampling operation negligence, except as such may be caused by negligence or failure of the owner and/or occupant to maintain safe conditions.

Section 6.2 Discharge Terms and Conditions

Permits issued by the Director shall be expressly subject to all the provisions of this Law, and all other applicable regulations, as well as any User charges and fees established by the County. The Director shall impose certain terms and conditions as part of the Permit. The terms and conditions shall include, but are not limited to, the following:

Statement of duration that in no case shall exceed five (5) years;

1. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

2. Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, and State and local requirements;

3. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards State and local law;

4. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

5. Requirements to control Slug Discharges, if determined by the POTW to be necessary;

6. Such other terms and conditions as may be necessary to protect the POTW and to carry out the intent and provisions of this Law.

Section 6.3 Sampling and Testing Wastes

The Director shall have the power to take samples, perform laboratory analysis and otherwise determine the nature and concentration of such wastes at any time or by periodic rechecks without prior notice to the User discharging such wastes.

Section 6.4 Monitoring Stations

When required, the owner of any property discharging Industrial Wastes shall install a suitable monitoring station approved by the Director, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The station shall be constructed in accordance with plans approved by the Director. The station shall be installed and maintained by the owner at the owner's expense and shall be safe and accessible at all times. If there is more than one (1) lateral serving a User, the Director may require the installation of a monitoring station on each lateral. The Director may require that such monitoring station(s) include equipment for the continuous measurement and recording of Wastewater flow rate and volume, and for the sampling of the Wastewater. The User shall allow and provide immediate access, without prior notice, to the station by the Director. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written request of the Director or their authorized representative and shall not be replaced. The cost of cleaning such access shall be borne by the User.

Section 6.5 Treatment and Flow Equalization Facilities

The Director may require the installation and maintenance by the permittee, at their own expense, of such pretreatment facilities as required by this Law. The Director may require the installation and maintenance by the permittee, at their own expense, of detention tanks or other facilities or equipment for reducing the maximum rates of discharge to a specified percentage of the twenty-four (24) hour rate. Where lack of pretreatment facility maintenance is documented or otherwise observed during an inspection, the Director may require specific preventive maintenance schedules or other actions as necessary to ensure continued compliance.

Section 6.6 Protection from Damage, Vandalism or Tampering with Measuring Devices

No User shall maliciously, willfully or recklessly cause or permit the breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access or rendering inaccurate:

1. Any structure, appurtenance or equipment which is a part of the POTW; or

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

Section 6.7 Measurement and Analysis of Wastes

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Law shall be determined by Approved Laboratory Procedures and in accordance with applicable State and Federal requirements. Sampling shall be carried out by technically accepted methods and shall be performed so that a representative portion of the Wastewater is obtained for analysis. Where feasible, samples shall be gathered as flow proportioned Composite Samples. Timed composite sampling may also be used.

Section 6.8 Determination of Pollutant Concentrations

1. The pollutant concentration of any Wastewater shall be determined from representative samples of the effluent discharged to the POTW, taken at monitoring stations by the Director or User as described under Sections 6.2, 6.4 and 6.7 of this Law, at any period of time, and of such duration and in such manner as the Director may elect. The User is responsible to provide the Director with all necessary information that may be needed to ensure that a representative sampling program is both established and being performed.

2. When calculating average surcharge concentrations for Industrial Users that have appreciable and frequent variations of pollutant concentrations due to seasonal or other process fluctuations, the Director may prorate these variations and thereby determine an average surcharge pollutant concentration. The Director may impose self-monitoring to better account for these variations and typically these self-monitoring results shall be averaged with the District's results to determine the resultant pollutant concentration.

3. In certain instances, the Director may require a monitoring station(s) upstream of the connection(s) to the POTW. This requirement shall include, but not be limited to, situations where Categorical Pretreatment Standards apply.

Section 6.9 Determination of Discharge Volumes

The Director may use any of the following means to quantify the number of gallons and/or cubic feet of discharge into the POTW:

1. The amount of water supplied to the premises by the City of Rochester, the Monroe County Water Authority, or any other water supplier as may be recorded on a valid meter that serves the premises; or

2. If the premises are supplied wholly or in part by other water sources, the User shall have metering devices installed, at their own expense, for measuring the volume of water used for their purposes; or

3. If such premises are used for an industrial or commercial purpose of such nature that the recorded amount of metered water supplied to the premises is not entirely discharged into the POTW, an estimate of the amount of Wastewater discharged into the POTW may be made by the Director through a credit meter adjustment, or through any other means that are in accordance with Article X, Section 10.6; or

4. The volume of Wastewater discharged into the POTW as determined by measurements taken at a monitoring station installed by the User at their own expense, and in accordance with the terms and conditions of the Permit issued by the Director pursuant to Article V of this Law; or

5. A volume to be determined by the Director by any combination of the foregoing methods or by any other equitable method.

Section 6.10 Reporting Requirements for Permittee

Each User shall be required to notify the Director of any new discharges to the POTW and shall also be required to notify the Director of any changes to the process which may impact the discharges prior to making such changes. The Director may require any permittee discharging Wastewater into the POTW to file reports deemed necessary in order to ensure compliance with the provisions of this Law and with applicable State and Federal regulations. All information, reports and documents which may be required for submittal and maintained under this section shall be furnished by the User in the means and manner requested by the Director and subject to all of the following:

1. provisions of 18 USC Section 1001, Crimes and Criminal Procedures, relating to fraud and false statements;

2. The provisions of Sections 309(c)(4) of the Clean Water Act, as amended, governing false statements, representation or certification; and

3. The provisions of Section 309(c)(6) of the Clean Water Act, as amended, regarding corporate officers.

Reports which may be applicable, but are not limited to, are as follows:

1. **Baseline Monitoring Report (BMR):** Within One Hundred Eighty (180) days after the effective date of a Categorical Pretreatment Standard or One Hundred Eighty (180) days after final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standard and currently discharging to or scheduling to discharge to the POTW shall be required to submit to the Director a report which contains the information listed in 40 CFR Part 403.12(b)(1-7). New Sources shall be required to submit to the Director a report which contains the information listed in 40 CFR 403.12(b)(1-5). New Sources shall also be required to include in this report information on the method of pretreatment the User intends to use to meet the applicable Categorical Pretreatment Standard. New Sources shall give estimates of the information requested in paragraphs 40 CFR 403.12(b)(4&5).

2. **Report Compliance:** Within Ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standard, or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, all Significant Industrial Users subject to National Pretreatment Standards and Pretreatment Requirements shall submit to the Director, a report containing the information described in 40 CFR 403.12(b)(4-6). For Industrial Users subject to equivalent mass or concentration limits established by the County in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

3. **Periodic Report on Continued Compliance (Semi-Annual Report):**

   a) Any Significant Industrial User, shall submit to the Director, by August 15th and February 15th for the period January to June and July to December, respectively, unless required more frequently in the Categorical Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the Industrial User's discharge which are limited by such Categorical Pretreatment Standard. In addition, this report shall include average daily Wastewater discharge flows and regulated flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative),

the User shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director, and in consideration of such factors including but not limited to local high or low flow rates, holidays and budget cycles, the Director may agree to alter the months during which the above reports are to be submitted, however no fewer than one (1) report every six (6) months shall be submitted.

b) Whenever appropriate, the Director may impose mass limitations on Industrial Users. In such cases, the report as required within Section 6.11(3)(a) shall indicate the mass of pollutants regulated by Categorical Pretreatment Standard in the effluent of the Industrial User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass of pollutants contained therein, which are limited by the applicable Categorical Pretreatment Standard. All analyses shall be performed by Approved Laboratory Procedures.

c) For Industrial Users subject to equivalent mass or concentration limits established by the Director in accordance with the procedures in 40 CFR 403.6(c), the report required by paragraph (a) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (a) shall include the User's actual average production rate for the reporting period.

4. **Self-Monitoring Reports:**

a) Significant Industrial Users, and Industrial Users required by the Director to monitor shall submit to the Director self-monitoring reports identifying the nature and concentration or mass of regulated substances discharged from the Industrial User’s premises. As dictated by the specific pollutant limits, the results shall be reports as either concentration or mass, or both. The report for mass shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Other information may be required based upon applicable State and Federal regulations. The reporting period shall be in accordance to State or Federal regulations and determined by the Director based upon the quantity or characteristics of the discharge. All sampling and analyses performed to satisfy this monitoring requirement shall be performed using Approved Laboratory Procedures.

b) Additional Self-Monitoring Reports: If a User elects to perform monitoring at compliance monitoring locations more often than required and uses Approved Laboratory Procedures, the results of all such additional monitoring and any

additional flow measurements shall be reported to the Director on a timely basis and shall be included in reports in Section 6.10(1)-(4).

5. **Violation Reporting:** A Significant Industrial User and/or an Industrial User must report to the Director, within twenty-four (24) hours, any violation of permit limitations resulting from self-monitoring samples tested by an Approved Laboratory Procedure. The Significant Industrial User and/or the Industrial User shall resample the discharge for the parameter in violation and shall submit the results to the Director within thirty (30) days of becoming aware of the violation. At the discretion of the Director, a Significant Industrial User's and/or an Industrial User's routine self-monitoring, if conducted within the thirty (30) day period by an Approved Laboratory Procedure, may satisfy the requirement for repeat sampling.

6. **Corrective Action Plan (CAP) Compliance Schedule:** When required pursuant to this Law, or when in the judgment of the Director, a schedule is required to ensure compliance with any provision of this Law, a User shall develop a compliance schedule which contains increments of progress toward meeting applicable treatment or National Pretreatment Standards or any provisions of this Law. The increments shall be in the form of dates for commencement and completion of major events leading to the construction and operation of treatment or pretreatment facilities or process changes. No increments shall exceed nine (9) months. The schedule shall provide for the shortest period of time practicable for completion of necessary facilities or process changes. When the schedule is for compliance with a newly promulgated Categorical Pretreatment Standard, the final date for compliance shall not be later than the compliance date contained in the Categorical Pretreatment Standard.

7. **Corrective Action Plan (CAP) Progress Reports:** Any Industrial User, for which a CAP has been established pursuant to the provisions of this Law, shall submit a report of progress to the Director no later than ten (10) business days following each date in the schedule and the final date for compliance or at such frequency as the Director has determined necessary. Each report shall state the status of compliance with the progress increment due and shall explain the reasons for any delays, actions being taken to return to schedule and the expected date the missed increment shall be completed.

8. **Abnormal Discharge and Notification Reporting:** Users shall, upon having knowledge, immediately notify the Director of any accidental, non-routine, episodic nature, non-customary batch or Slug Discharge of wastes which causes or has the potential to cause a violation of Article III of this Law. Such discharges may result from:

   a) Breakdown of pretreatment equipment;

   b) Accidents caused by mechanical failure, or negligence;

c) Any other causes.

This notification shall include: location of the discharge; type of waste; concentration and volume, if known; and corrective actions taken by the User. Following such a discharge, within five (5) calendar days, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any damage to Person or property; nor shall such notification relieve the User of any expense, loss, damage or other liability which may be imposed pursuant to this Law.

9. **Hazardous Waste Discharge Report:** User must notify, in writing, the Director, the EPA Regional Waste Management Division Director and NYSDEC hazardous waste authorities of any discharge into the POTW of substance, which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR 261. Such notification must be made in accordance with 40 CFR 403.12(p).

10. **Discharge Control Management Plans:** Plans for the management of solvents, toxic organic or any other management plans required by the Director or by any State or Federal regulations for the control of discharges or for the control or containment of any raw materials, products, wastes or any other substances which are potential pollutants if discharged into the POTW shall be required as necessary.

Section 6.11 Record Keeping

The User must maintain and retain all records of information obtained pursuant to any monitoring activities required by this Law, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices and provide the Director access for the purpose of review and copying. Such records must be kept for a minimum of three (3) years or longer in the case of unresolved litigation or when requested by the EPA or the state agency delegated with program approval.

Section 6.12 Signatory Requirements

The reports required by Sections 6.10(1)- 6.10(4) submitted by Significant Industrial Users(SIU) shall include a certification statement as follows: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system,

or those Persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and/or imprisonment for knowing violations."

Reports shall be signed as follows:

1. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. A responsible corporate officer means:

    a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy, or decision-making functions for the corporation, or
    b) the manager of one or more manufacturing, production or operations facilities provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can assure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.

3. By a duly authorized representative of the individual designated in paragraph 1 or 2 of this section if:

    a) The authorization is made in writing by the individual described in paragraph 1 or 2 of this section;

    b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

    c) The written authorization is submitted to the Director.

4. If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new

authorization satisfying the requirements of paragraph (3) of this section must be submitted to the Director prior to or together with any reports to be signed by an authorized representative.

Article VII. Use of the County Storm Drainage System

Section 7.1 Ultimate Responsibility

The Standards set forth herein and promulgated pursuant to this Law are minimum Standards. Therefore, this Article does not intend to imply that, compliance by any Person shall ensure that there will not be contamination, pollution or unauthorized discharge of Pollutants.

Section 7.2 Prohibition of Illicit Discharges

1. No User shall discharge or cause to be discharged into the County Storm Drainage System or Waters of the United States any Wastewater, Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable Water Quality Standards, other than Stormwater. Such discharges include but are not limited to: failing Private Sewage Disposal Systems as defined in Section 2.2; improper management of animal waste; over-fertilization or pesticide application of lawns; or any other activity that causes or contributes to violations of the County's MS4 SPDES Permit authorization.

2. Upon notification to a User that it is engaged in activities that cause or contribute to violations of the County's MS4 SPDES Permit authorization, that User shall take all reasonable actions to correct such activities such that they no longer cause or contribute to violations of the County's MS4 SPDES Permit authorization.

Section 7.3 Prohibition of Exceptions

The commencement, conduction or continuance of any Illicit Discharge to the County Storm Drainage System is prohibited except as follows:

1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater Infiltration to storm drains, uncontaminated and non-sediment laden pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one mg/L chlorine), firefighting activities and any other water source not containing Pollutants. Regardless of exemption, Best Management Practices should be implemented to reduce impacts from the above activities.

2. Discharges specified in writing by the Director as being necessary to protect public health and safety.

3. Dye testing conducted with proper and non-harmful dyes is an allowable discharge, but requires a verbal notification to the Director prior to the time of the test.

4. Any Non-Stormwater discharge permitted under SPDES Permit, waiver or waste discharge order issued to the User and administered under the authority of the NYSDEC, provided that the User is in full compliance with all requirements of the Permit, waiver or order and other applicable laws and regulations and written approval has been granted for any discharge to the County Storm Drainage System by the Director.

Section 7.4 Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of Illicit Connections to the County Storm Drainage System is prohibited.

2. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under previous laws or practices applicable or prevailing at the time of connection.

3. A Person is considered to be in violation of this Law if they connect a pipe or drain line conveying Wastewater or unknown pollutants to the County Storm Drainage System or allows such a connection to continue.

Section 7.5 Waste Disposal Prohibitions

No Person shall throw, deposit, leave, maintain, keep or allow to be thrown, deposited, left or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the County Storm Drainage System or Waters of the U.S., any refuse, rubbish, yard/lawn waste, garbage, litter or other discarded or abandoned objects, articles and accumulations, so that the same may cause or contribute to pollution through its potential admixture with surface runoff and Stormwater. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Section 7.6 Prohibition Against Failing Private Sewage Disposal Systems

No Person shall construct or maintain any cesspool, Private Sewage Disposal System, pipe or drain so as to expose or discharge the Sewage contents or other deleterious liquids or matter there from to the atmosphere, ground surface or into any Storm Sewer or drain or as to endanger any Watercourse or body of water unless a Permit for such discharge shall have been issued by the Monroe County Department of Public Health or by the State Department of Health or the NYSDEC, and such discharge is made in accordance with the requirements thereof. Owners or operators of Private Sewage Disposal Systems shall operate, maintain and inspect such systems in accordance with the Monroe County Sanitary Code.

Section 7.7 Prohibition of Stormwater Discharge to the Sanitary Sewer

Stormwater shall not be discharged into the Sanitary Sewer without written permission from the Director.

Section 7.8 Suspension of County Storm Drainage System Access

1. **Suspension Due to Illicit Discharges in Emergency Situations:** The Director may, without prior notice, suspend discharge access into the County Storm Drainage System to a Person when such a suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger: to the environment; to the health or welfare of Persons; to the County Storm Drainage System including but not limited to pipes, manholes, outfall structures and storm laterals; or to the Watercourse. If the violator fails to comply with a suspension order, the Director may take such steps as deemed necessary to prevent or minimize damage to the County Storm Drainage System, the Watercourse or to minimize danger to Persons.

2. **Suspension Due to the Detection of Illicit Discharge:** Any Person discharging to the County Storm Drainage System in violation of this Law may have their Storm Sewer access suspended or terminated if such action would abate or reduce an Illicit Discharge. The Director shall notify a violator of the proposed suspension or termination of its MS4 access. The violator may petition the County Executive or their designee, to reconsider the suspension or termination of Storm Sewer access by requesting a hearing in accordance with Article IX.

It shall be unlawful for any Person to reinstate Storm Sewer access to premises suspended or terminated pursuant to this Section, without the prior written approval of the Director.

Section 7.9 Industrial or Construction Activity Discharges

Any Person subject to an industrial or Construction Activity SPDES Stormwater Discharge Permit shall comply with all provisions of such Permit. Proof of compliance with said Permit may be required in a form acceptable to the Director prior to discharge and as a condition of submittals for subdivision maps, site plans, building Permits, development or improvement plans; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Section 7.10 Monitoring of Discharges

1. Applicability

This Section applies to all facilities discharging to the County Storm Drainage System. The Director may inspect any premises in the enforcement of any provision of this Law, or whenever the Director has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Law.

2. Access to Facilities
   a) To determine compliance with this Law, the Director shall be permitted to enter and inspect, at any time, facilities subject to regulation under this Law as often as may be necessary. If a User has security measures in force which require proper identification and clearance before entry into its Premises, the User shall make the necessary arrangements to allow access to the Director.

   b) Facility operators shall allow the Director ready access to all parts of the Premises for the purpose of inspection, sampling and examination of the private storm drainage system. If requested by the Director, facility operators or other responsible Persons must supply copies of all records kept under the conditions of the SPDES Stormwater Discharge Permit. Facility operators or other responsible Persons must also identify the performance of any additional duties as defined by State and Federal law.

   c) The Director shall have the right to place or position any devices, as are necessary in the opinion of the Director, to conduct monitoring and/or sampling of the facility's discharge to the County Storm Drainage System.

   d) The Director has the right to require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User, at the User's own expense. To ensure their accuracy all devices used to measure Stormwater flow and quality shall be maintained and calibrated as necessary and as recommended by the manufacturer.

   e) The Director may require a User to self-monitor for flow or any pollutant necessary to ensure Stormwater quality.

   f) Any temporary or permanent obstruction to the facility which causes unsafe access or difficulty in monitoring, inspecting or sampling of the County Storm Drainage System shall be promptly removed by the User at the written request of the Director and shall not be replaced unless authorized by the Director. All costs associated with clearing such access restriction shall be borne in full by the User.

   g) As determined by the Director, any unreasonable delays in allowing the Director access to a facility, for the purpose of conducting any activity authorized or required

by a Permit issued under the NYSDEC SPDES Program, shall be considered a violation of said Permit and this Law.

h) If the Director has been refused access to any part of the premises from which a discharge or conveyance to the County Storm Drainage System exists, and the Director is able to demonstrate probable cause to believe that there may be a violation of this Law, or a need to further inspect and/or sample the private Stormwater system to verify compliance with this Law or any order issued hereunder, or any other actions necessary to protect the overall health, safety and welfare of the community, then the Director may seek the issuance of a search warrant from any court of competent jurisdiction.

Section 7.11 Requirements to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices

(a) Best Management Practices

The Director shall require facility managers or other responsible Persons to identify BMPs for any activity, operation or facility which may cause or contribute to pollution or contamination of Stormwater, the County Storm Drainage System or Watercourse. The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited material or other wastes into the County Storm Drainage System or Watercourse through the use of structural and non-structural BMPs. Any Person responsible for a property or premise, which is, or may be, the source of an Illicit Discharge may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the County Storm Drainage System. To the maximum extent practicable, compliance with all terms and conditions of a valid SPDES Permit authorizing the discharge of Stormwater associated with Industrial activity shall also be deemed to be compliant with the provisions of this Section. Industrial activity means activities subject to State Pollutant Discharge Elimination System Industrial Stormwater Permits as defined in 40 CFR 122.26 (b)(14). To achieve compliance, and also as a requirement of the SPDES Permit, any appropriately designed structural and non-structural BMPs shall be included as part of a Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan means a document which describes the BMP and activities to be implemented by a Person for the identification of sources of pollution or contamination at a site and the intended actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater conveyance systems and/or Receiving Waters to the maximum extent practicable.

(b) Private Sewage Disposal Systems

Where Private Sewage Disposal Systems in Monroe County are subject to special conditions as defined below, the owner or operator of such Private Sewage Disposal System shall be required to maintain and operate the system as follows:

1. Private Sewage Disposal Systems should be operated, maintained and inspected in accordance with the Monroe County Sanitary Code.

2. Septic tank additives that have the potential to damage the system or the local groundwaters shall not be used.

3. Install, repair or replace Private Sewage Disposal Systems shall occur as follows:

   a) In accordance with Monroe County Sanitary Code Sewage design Standards.

   b) No Person shall alter, repair or extend a Private Sewage Disposal System unless a Permit is obtained from the Monroe County Public Health Director or their authorized representative.

   c) Where a public Sanitary Sewer is available and accessible, no Person shall construct, repair, alter or provide on any property a Private Sewage Disposal System for the disposal of Sewage with the exception of any temporary devices used in connection with a construction project.

Section 7.12 Watercourse Protection

1. No Person shall alter a Stormwater management practice on private or publicly owned land such that it alters the Stormwater management practice from its intended use.

2. Every owner or such owner's lessee of property through which a Watercourse passes shall keep and maintain that part of the Watercourse within the property in a manner which prevents Illicit Discharges and keeps the Watercourse free of trash, debris, yard/lawn waste, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the Watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within, or adjacent to a Watercourse, so that such structure shall not become a hazard to the use, function or physical integrity of the Watercourse.

Section 7.13 Notification of Spills

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for the emergency response for that facility or operation, has

information of any known or suspected release of materials which are resulting, or may result in the Illicit Discharge of Pollutants into Stormwater, the County Storm Drainage System, private storm drain systems or Watercourses, said Person shall take all necessary steps to ensure the discovery, containment and cleanup of any such release. In the event a release of hazardous materials occurs, said Person shall immediately notify the NYSDEC Region 8 Spill Response Team and/or call the NYS Spill Hotline within the time frame established by law. Hazardous materials means any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics which may cause or significantly contribute to a substantial or potential hazard to human health, safety, property or the environment, when improperly treated, stored, transported, disposed of or otherwise managed. Additionally, any such occurrences shall require notification to the Director. In the event of a release of non-hazardous materials, said Person shall notify the Director in person or by phone no later than the next business day. Notification in person or by phone shall be confirmed, documented in writing and mailed to the Director, post-marked within three (3) business days of the date of the in person or phone notice. If the discharge of prohibited materials occurs from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an onsite written record of the discharge and the actions taken to prevent its reoccurrence. Such records shall be retained for at least five (5) years, and if requested, made available to the Director.

Part III Administration and Enforcement: This part sets forth the administrative and enforcement procedures.

Article VIII. Administrative Procedures

Section 8.1 Public Information

For each County Sewer District the County Executive shall:

1. Adopt a procedure to make available for public inspection all rules and regulations, statements of policy or interpretations used by the District in the discharge of its functions under Part IV of this Law. No rule, regulation, or policy is valid against any Person until it has been made available for public inspection. This provision is not applicable in favor of any Person who has actual knowledge thereof.

2. Make available to the public for inspection and/or copying, information and data on Users of the POTW obtained from reports, questionnaires, Permit applications, Permit and monitoring programs and from inspections; unless the User specifically requests and is able to demonstrate to the satisfaction of the Director that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the User. Any request for confidentiality must be asserted at the time

of submission of the information or data. If no claim is made at the time of submission, the Director may make the information available to the public without further notice. Wastewater constituents and characteristics and other effluent data shall not be recognized as confidential. Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed upon written request to governmental agencies for uses related to this Law, and the National Pollutant Discharge Elimination System (NPDES) Permit provided that the governmental agency making the request agrees to hold the information confidential in accordance with State or Federal laws and regulations. The Director shall give written notice to the User of any disclosure of confidential information to another governmental agency.

Where a request is made to the Director to treat information as confidential and proof of such claim given, the Director shall treat it as such unless and until he/she notifies the User, in writing, of his/her denial of the request. The decision of the Director shall be effective ten (10) days after the date of the notice. If review of the Director's decision is commenced under the "right to a hearing" provisions of Article IX before the expiration of the ten (10) days, the Director shall continue to treat the information as confidential unless the County Executive or his/her designee upholds the Director's initial decision denying the request for confidentiality. Any materials considered in a confidentiality proceeding may not be disclosed by the County Executive or their designee if the request for confidentiality is upheld. The decision of the County Executive or their designee shall be effective five (5) days after service upon the User of the final decision. In emergency situations, if the Director finds disclosure of information covered by the claim would be helpful in alleviating a situation posing imminent and substantial danger to public health or safety, he may prescribe and make known to interested persons in a shorter period of time as he finds necessary under the circumstances.

Section 8.2 Procedure for Adoption of Rules and Regulations

1. The County Legislature hereby delegates to the County Executive the power to adopt, amend and repeal, from time to time, Part IV Article X Rules and Regulations relating to the operational procedures and business practices of the County Sewer Districts and County Storm Drainage System, including, without limitation: the designation of the place where applications, requests and submissions shall be made; the nature and requirements of all formal and informal procedures for applying for Permits and licenses; any general or special billing procedures to be utilized by the County Sewer Districts; the manner of making connections to the system; the manner, construction and operation of all private facilities and appurtenances connected to the system; the procedure for requesting a hearing pursuant to Article IX; the procedure for petitioning for the promulgation, amendment or repeal of a rule or regulation.

Except as provided for in Subsection 2 hereof, the County Executive shall take the following steps prior to the adoption, amendment or repeal of any rule or regulation relating to the operational procedures and business practices:

a) File a copy of the proposed rule, regulation or amendment thereto with the Administrative Board along with the reasons therefore;

b) Conduct a public hearing with respect to the intended action. A notice of such hearing shall be published at least ten (10) days prior to the date of the hearing. Such notice shall include: a statement of either the terms or substances of the intended action or a description of subjects and issues involved; the time and place of the hearing; the manner in which interested Persons may present their views and/or submit relevant data prior to the County Executive's adoption of the rule, regulation or amendment thereto.

2. In the event that the Director shall take or recommend emergency action pursuant to Section 9.6 of this Law, the County Executive shall have the right to adopt an emergency rule or regulation for emergency action without prior notice or public hearing. Any such emergency rule or regulation shall be effective for a period of no longer than one hundred-twenty (120) days unless such rule or regulation is subsequently promulgated pursuant to subsection 1 of this Section.

Section 8.3 Filing and Taking Effect of Rules and Regulations

1. The County Executive shall file a certified copy of each rule and regulation with the Clerk of the County Legislature. The Clerk shall keep a permanent file which may be inspected upon request.

2. The Rule and/or Regulation shall be effective ten (10) days after the filing, except that an emergency rule adopted pursuant to Section 8.2 Subsection 2 shall be effective upon filing.

Section 8.4 Publication of Rules and Regulations

The County Executive shall compile, index and publish all effective Rules and Regulations. The compilation shall be supplemented as often as necessary.

Section 8.5 Petition for Adoption of Rules and Regulations

An interested party may petition the County Executive or the Administrative Board requesting the promulgation, amendment or repeal of a Rule or Regulation. Within thirty (30) days after

submission of a petition, the County Executive or their designee shall initiate rulemaking proceedings in accordance with Section 8.2, Subsection 1 hereof.

Section 8.6 Declaratory Opinions of the Director; Declaratory Rulings of the County Executive

1. The Director will give a declaratory opinion when either of two conditions exists:

    a) A formal request for a declaratory opinion of a petitioner's position in relation to the policy contained in this Law. This request must be acknowledged within ten (10) working days.

    b) The Director formally informs a party of an existing violation or violations of this Law which, in their opinion, will make the party subject to enforcement and penalties as contained in Article XII.

2. The County Executive shall be informed of all opinions of the Director, and such opinions are not binding on the County Executive but shall be reviewed, with notice, upon a formal request of any party or the County Executive. After review, the County Executive will issue a Declaratory Ruling to be filed with the Clerk of the Monroe County Legislature.

Article IX. Enforcement and Administrative Action

Section 9.1 Enforcement Response Plan

The Director shall prepare an Enforcement Response Plan in accordance with the Code of Federal Regulations Part 403. The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as: magnitude of the violation; duration of the violation; effect of the violation on the Receiving Water; effect of the violation on the POTW; effect of the violation on the health and safety of County employees; compliance history of the User; and good faith of the User. Determinations on the range of actions shall promote consistent and timely use of enforcement remedies.

The Enforcement Response Plan shall be reviewed by the Director at least every five (5) years.

The remedies provided for in this law are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan. However, the Director may take other actions against any User when the circumstances warrant. Further, the Director is empowered to take more than one (1) enforcement action against any noncompliant User.

Section 9.2 Notice of Violation

Whenever the Director finds that any User has violated or is violating this Law, or any Permit, order, limitation or requirement of the Law, the Director shall take appropriate action and may serve upon such User a notice of violation stating the nature of the violation. The Director shall define a response time of up to ten (10) business days, for a written response defining the actions taken to eliminate the violation, for violations that do not cause a Slug discharge, Wastewater Treatment Plant upset or bypass. The User may request additional time to investigate and correct the cause of the violation. The request must be accompanied with a Corrective Action Plan and be subsequently approved by the Director. The Corrective Action Plan shall include specific actions and time frames to complete such actions. Submission of this plan in no way relieves the User of liability for any violation caused by the User before or after receipt of the notice of violation.

Section 9.3 Consent Order

The Director is hereby empowered to enter into a consent order, assurances of voluntary compliance or other similar documents establishing an agreement with the User responsible for non-compliance. Such orders or agreements shall include specific action to be taken by the User to correct the non-compliance within a time period that shall also be specified within the order or agreement. Consent orders shall have the same force and effect as an administrative order. The Director and User may enter into a consent order before or following a notice of violation.

Section 9.4 Administrative Order

When the Director finds that a User has violated or continues to violate this Law, a Permit, administrative order or consent order issued thereunder, the Director may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and there is no reoccurrence of the violation. An administrative order may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including the installation of pretreatment technology, additional self-monitoring, specific Best Management Practices and changes to existing management practices as may be necessary.

Section 9.5 Action by the County Sewer Districts

Subsequent to determinations as established at a Hearing in the context of Section 9.11, the Director and County Sewer Districts shall either prevent the discharge of unacceptable water and wastes or issue a Permit properly conditioned upon findings and the standards of safety prescribed by this Law. This Law shall include surcharges, Pretreatment Requirements, control over quantities or rates of discharge, time of discharge and holding facilities, and any measure or combination of measures which are necessary to preserve the POTW, the County Storm Drainage System, and the health, safety and wellbeing of employees, the community and the Receiving Waters.

Section 9.6 Emergency Action by the Director

In the event any discharge which, in the opinion of the Director, will cause serious, imminent harm or injury or adversely affect the POTW, any Person or the Receiving Waters, the Director shall take any action necessary to protect the public health, safety or welfare without a prior hearing or order of the Administrative Board. A timely review of any emergency action by an Administrative Board hearing shall be accomplished to determine what, if any, permanent action shall be deemed necessary. The Director, or employees under their supervision, acting upon the belief that an emergency exists, shall be indemnified and held harmless against any personal liability which may arise in the performance of their duties to protect the public health, safety, welfare or property of the County.

Section 9.7 Enforcement and Penalties

(a) POTW:

1. A violation of the provision of Articles III through VII of the Law shall be subject to a penalty not to exceed $25,000 for any one (1) case, and an additional penalty not to exceed $25,000 for each day of a continuing violation after a final decision and order has been entered with notice to the party adversely affected by the decision to impose the penalty. The exact amount of penalty in each case shall be determined by the County Executive or their designee.

2. In addition to penalties and fines, the Director may recover maintenance or operational costs incurred due to negligent or accidental actions by a User, including but not limited to: blockages caused by FOG, solids, fuel oil spills and toxic release. These fees and charges shall be billed as per the Rules and Regulations.

3. All penalties, fines, fees and other charges shall become part of the District charges and shall be collected as a charge in accordance with the New York State County Law Article 5-A, and any other applicable laws.

4. The County Executive shall report Industrial Waste discharges consistently failing to achieve County, State or Federal Pollution Standards to the appropriate State and Federal Agencies. The Director shall assist appropriate State and Federal Agencies, as necessary, in their review or action upon such reports.

5. Proceedings under this Law do not preclude enforcement of any local laws, criminal statutes or laws of the State of New York by either the County or the State.

(b) County Storm Drainage System

In addition to, or as an alternative to any penalty provided herein, any violation of Article VII is punishable by a fine not to exceed three hundred fifty dollars ($350.00), or imprisonment for a period not to exceed fifteen (15) days or both for conviction of a first offense. A second violation of this Article committed within a period of five (5) years is punishable by a fine not less than three hundred fifty dollars ($350.00) nor more than seven hundred dollars ($700.00), or imprisonment for a period not to exceed thirty (30) days or both. A third or subsequent violation of this article within a period of five (5) years is punishable by a fine not less than seven hundred dollars ($700.00) nor more than one thousand dollars ($1,000.00), or imprisonment for a period not exceed thirty (30) days, or both. Each day's continued violation shall constitute a separate additional violation.

Section 9.8 Compensatory Action

In lieu of enforcement proceedings, penalties and remedies authorized by this Article, the Director may impose alternative compensatory actions upon a violator. These alternative compensatory actions may consist of but are not limited to activities such as sponsoring an environmental conference or education/outreach program, storm drain stenciling or attending a compliance workshop or creek clean-up. In such circumstances, the Director shall make all reasonable effort to render commensurate effort and expense to "in lieu" compensatory actions as would otherwise be incurred by a violator imposed with normal enforcement proceedings and/or penalties and fines.

Section 9.9 Termination of Permit

If the Director finds that a User has violated any conditions of this Law, a Permit or administrative order, or any applicable State and Federal law, the User may be subject to Permit termination for any of the following:

1. Violation of Permit conditions;

2. Failure to accurately report the Wastewater constituents and characteristics of its discharge;

3. Failure to report significant changes in operations which will result in a change in Wastewater constituents and characteristics; or

4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or; sampling.

The Director shall notify non-compliant Users, by registered mail, of the proposed termination of their Permit.

Section 9.10 Right to a Hearing

Any User may, within fifteen (15) calendar days of receipt of an administrative order issued pursuant to this Law, serve upon the Director by registered mail, a written request for a hearing stating any factual determinations relevant to the order or legal objection to the order.

Section 9.11 Hearing

1. A hearing requested pursuant to Section 9.10 shall be conducted by a Hearing Officer appointed by the County Executive or their designee. Said appointment shall be made as soon as possible but no later than fifteen (15) calendar days from the date of the receipt of the request for a hearing date. The hearing shall be scheduled to be heard no less than fifteen (15) calendar days and not more than thirty (30) days after the mailing of said notice. The notice shall include:

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

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

   c) A reference to the particular sections of this Law involved; and

   d) A short statement of the matters asserted.

2. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

3. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

4. The record in a contested case shall include:

   a) All pleadings, motions, intermediate rulings;

   b) Evidence received or considered;

   c) A statement of matters officially noticed;

   d) Questions and offers of proof, objections, and rulings thereon;

   e) Proposed findings and exceptions;

   f) Any decision, opinion, or report by the officer presiding at the Hearing;

   g) All staff memoranda or data submitted to the Hearing Officer or County Executive in connection with their consideration of the case;

   h) Oral proceedings or any part thereof shall be transcribed on request of any party and made part of the records;

   i) Findings of fact shall be based exclusively on the record and on matters officially noticed; and

   j) The costs associated with the Hearing.

Section 9.12 Rules of Evidence; Official Notice: In Contested Cases

1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible of proof, evidence may be admitted if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. The County Executive or Hearing Officer shall be cognizant of the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a Hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

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

3. A party may conduct cross-examinations required for a full and true disclosure of the facts;

4. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts available to and within the County Executive's or Hearing Officer's specialized knowledge. Parties shall be notified either before or during the Hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The County Executive's or Hearing Officer's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Section 9.13 Powers of Hearing Officer

Hearing Officers are authorized to:

1. Administer oaths and affirmations;

2. Sign and issue subpoenas in the name of the Administrative Board, at the request of any party, requiring attendance and the giving of testimony by witness and the production of books, papers, documents and other evidence. Said subpoena shall be regulated by the Civil Practice Law and Rules. Nothing herein contained shall affect the authority of an attorney for a party to issue such subpoenas under the provisions of the Civil Practice Laws and Rules;

3. Provide for the taking of testimony by deposition;

4. Regulate the course of the hearings, set the time and place for continued hearings and fix the time for filing of briefs and other documents; and

5. Direct the parties to appear and confer to consider the simplification of the issues by consent of the parties.

Section 9.14 Conduct of the Hearing

1. Each party shall be entitled to be represented by counsel.

2. Each party shall have the opportunity to present evidence and to cross-examine witnesses called by the other party.

3. Witnesses shall testify under oath.

4. The burden of proof shall be on the party requesting the hearing.

5. Irrelevant or unduly repetitious evidence of cross-examination may be excluded.

6. Objections to evidentiary offers may be made and shall be noted in the record.

7. All evidence, including records and documents in the possession of the County Sewer District of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

8. Official notice may be taken of all facts of which judicial notice could be taken and of other facts within the specialized knowledge of the County Sewer District.

9. Upon the request of either party, stenographic transcripts or electronic recording devices of the record of proceedings shall be permitted and the party or parties requesting said record services shall be fully responsible for the cost of said services.

Section 9.15 Decision

Within ten (10) days from the completion of the hearing, the Hearing Officer shall render a written decision wherein the Hearing Officer shall either order the User to comply with the Director's order, modify the Director's order or vacate the Director's order.

Section 9.16 Judicial Review

A party aggrieved by the final decision of a Hearing Officer may institute review of said decision by filing a petition under Article 78 of the Civil Practice Law and Rules. The filing of an Article 78 petition does not stay enforcement of the Hearing Officer's decision and order.

Section 9.17 Power of Injunction

Notwithstanding any other provision of this Law or a Permit, the County Executive or the Administrative Boards may authorize the County Attorney to institute the appropriate legal proceedings including seeking injunctive relief to enjoin any violation of National Pretreatment Standards, Pretreatment Requirements or any other requirements. Administrative procedures do not have to be exhausted if an illegal discharge is causing the County to violate its discharge standards, and the length of time necessary to institute any existing legal remedies would result in a fine or penalty to the County.

Section 9.18 Criminal Penalties

Any Person who willfully violates any provision of this Law, or any final determination of an administrative order made by the Director in accordance with this Article, with the exception of a violation of Section 9.7(b), which sets forth any penalties within said section, shall be guilty of a Class A Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Twenty-Five Thousand Dollars ($25,000.00), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User or Person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or a condition of a Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law, shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than Twenty-Five Thousand Dollars ($25,000.00) per violation per day or imprisonment for not more than one (1) year or both.

Section 9.19 Public Notification

The Director shall publish annually, in the largest daily newspaper of the County, a list of Significant Industrial Users (or any Industrial User which violates paragraphs 3, 4 or 8 of this section) who, during the previous twelve (12) months, were in Significant Non-Compliance of applicable National Pretreatment Standards or other Pretreatment Requirements. Significant Non-Compliance occurs when violation(s) meet one (1) or more of the following criteria:

1. Chronic violation of wastewater discharge Permit limits which shall be defined here as those, in which sixty-six percent (66%) or more of all of the measurements taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits;

2. Technical Review Criteria (TRC) violations, which shall be defined here as those, in which thirty-three percent (33%) or more of all of the measurements taken for the same Pollutant parameter taken during a six (6) month period, which equal or exceed the product a numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC. For this purpose, TRC shall be equal to 1.4 for BOD, TSS and FOG where a limit for these pollutants is assigned and 1.2 for all other Pollutants with numerical limitations, with the exception of pH;

3. Any other violation of a pretreatment effluent limit (daily maximum, long term average, instantaneous limit or narrative standard) which the Director determines that the User,

alone or in combination with other discharges, has caused Interference, Pass Through, or in any other way is endangering the health of County personnel or the general public;

4. Any discharge of a Pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in the Director's exercise of emergency authority under this Law;

5. Failure to meet a compliance schedule milestone objective within ninety (90) days of the objective as contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

6. Failure to provide, within thirty (30) days after the due date, required reports including but not limited to the Baseline Monitoring Report, 90-Day Compliance Report, Periodic Report on Continued Compliance, Violation Report and other reports included as part of a compliance schedule;

7. Failure to accurately report non-compliance;

8. Any other violation, group of violations or violation of Best Management Practices which the Director or other controlling authorities have determined to adversely affect the operation or implementation of the local pretreatment program.

Part IV Rules and Regulations: This part sets for the rules, regulations, billing procedures, rates and charges, and validity.

Article X. Organization and Billing Procedures

Section 10.1 Organization

1. **Administrative Boards**: The County Legislature shall be the Administrative Board for all existing, modified or newly created County Sewer Districts, including, but not limited to the Northwest Quadrant Pure Waters District, the Irondequoit Bay South Central Pure Waters District, Gates-Chili-Ogden Sewer District and the Rochester Pure Waters District. The County Legislature, acting as the Administrative Board, shall be responsible for all policy matters relating to the respective County Sewer Districts. The County Legislature, acting as the Administrative Board shall have all of the powers conferred and duties imposed upon administrative bodies of county sewer districts by 262, 263, 265 and 266 of the County Law of the State of New York and any other applicable law of the State of New York, except to the extent that such powers or duties are delegated by this Law. The County Legislature, when acting as the Administrative Boards, shall operate under the rules of procedure then in effect for the County Legislature. The

President of the County Legislature shall be the chairperson for each of the Administrative Boards.

2. **County Executive:** Pursuant to the provisions of the County Charter, the County Executive shall appoint the Director of Environmental Services in connection with the performance of their duties as specifically described in Subsection 3 and 4 hereof. The County Executive shall also have the specific powers and duties delegated by Subsection 5.

3. **Director of Environmental Services:** In addition to the powers conferred and duties imposed by the County Charter, the Director of Environmental Services, under the direction of the County Executive, shall be responsible for the administration, operation and maintenance of the County Sewer Districts, POTW and County Storm Drainage Systems. The Director of Environmental Services, under the direction of the County Executive, shall be responsible for implementation and enforcement of this Law and the planning, design and construction of capital projects within the County Sewer Districts and County Storm Drainage Systems. The Director of Environmental Services shall also be responsible for the selection of engineers and professional consultants who shall perform services for the County Sewer Districts and County Storm Drainage Systems pursuant to contracts authorized in accordance with this Law.

4. **Delegation of Powers and Duties:** The County Legislature acting as the Administrative Board of each of the County's Sewer Districts, hereby delegates to the County Executive the following powers and duties as may relate to the administration of the County's Sewer Districts and Storm Drainage Systems:

   a) The collection, accounting and custody of all County Districts' Sewer revenues;

   b) The supervision, direction and day-to-day management of the County Department of Environmental Services, including the hiring, dismissal, removal, suspension or layoff of all department personnel;

   c) The establishment and revision of the internal organization of the Department of Environmental Services;

   d) The advertisement of bids and specifications and the issuance of requests for proposals in connection with purchases and public works projects of the County Sewer Districts;

   e) The approval and payment of all vouchers and invoices submitted to the County Sewer Districts;

f) The approval and execution of contract change orders: (1) up to the contingency limit provided for in the original funding authorization or (2) for contracts without a contingency limit, up to an amount of $70,000 or one percent (1%) of the original contract valued, whichever is greater for each change order, provided, however, that when the total cumulative change orders for a contract exceeds $150,000 or ten percent (10%) of the original contract value, whichever is greater, all subsequent change orders must be approved by the Administrative Board;

g) The approval and execution of routine real property easements which do not require payment for contingent damages;

h) The approval and execution of engineering design contracts, capital construction contracts, professional or engineering services agreements or contracts for the County Sewer Districts and Storm Drainage Systems in amounts up to Ten Thousand Dollars ($10,000);

i) The execution of Permits, reviews, licenses, Permit or license applications, aid applications, grant agreements, grant applications, payment reimbursement applications and any and all related documents in connection with federal or state funding or regulation of County Sewer District or Storm Drainage System projects;

j) The promulgation or amendment of procedural rules and regulations for the operation of the POTW and County Storm Drainage System in accordance with the provision of this Law;

k) The execution of contracts or Permits dealing with municipalities, industries and businesses for trucked in wastes to the POTW for Sewage Sludge, approved sludge, Wastewater disposal services or for any special contract or Permits as defined in Article X, Section 10.8;

l) The execution of contracts dealing with emergency conditions including but not limited to Wastewater Treatment Plant hauling and/or disposal;

m) The authority to provide for the collection of delinquent payments as defined in this Law;

n) Such other administrative duties and powers as may be prescribed by law, County Charter, County Administrative Code, local law, resolution or as may be prescribed by the County Legislature or the Administrative Boards.

The County Executive shall file with the Clerk of the Legislature bi-monthly reports listing the contracts and contract change orders approved and executed by the County Executive in accordance with the provisions of this Section. The reports shall include an itemized listing of all contract change orders, the reason for each change order, the amount of each change order, the cumulative total of all change orders to each single contract, the percentage of the initial contract which the change orders represent and the capital fund from which contract payments will be made.

Section 10.2 Private Sewer Maintenance and Requirements in the Rochester Pure Waters and Gates-Chili-Ogden Sewer Districts

1. **Responsibilities of the Rochester Pure Waters and Gates-Chili-Ogden Sewer Districts:** The Rochester Pure Waters and Gates-Chili-Ogden Sewer Districts shall accept responsibility for the part of a sewer lateral which is located within the right-of-way, but only when there exists a clean-out at the right-of-way line which allows access for maintenance purposes. No fees or other charges shall be assessed for maintenance and/or replacement of the lateral from the lot line cleanout to the main sewer. A fee shall be charged to the property owner when service is performed to the private section of the lateral at the discretion of the County Sewer Districts, and when that service has been requested by the property owner.

2. **Private Sewer Maintenance Service:** The Director is authorized to provide sewer snaking and augering services to private sewer laterals providing that the owner(s) requesting private services agree(s) to pay the necessary fee and that the County of Monroe and the County Sewer Districts are not held responsible for damage done or injury suffered from the performance of the requested services. An agreement in the form of a work order shall be executed by both parties, acknowledging such, prior to rendering private services. Any snaking and/or augering service bill due prior to October 1 but unpaid by November 1, shall be transferred to the County for collection as part of the combined Town and County tax bill. The amount transferred shall be the sum of unpaid original charges.

3. **Charges for Private Sewer Maintenance:** The charges for private sewer maintenance will be included in the annual budget of the Rochester Pure Waters District and the Gates-Chili-Ogden Sewer District, listed in the Scale of Charges and approved by the Monroe County Legislature subject to public hearing.

The User must construct and/or connect to the Rochester Pure Waters District and Gates-Chili-Ogden Sewer District in accordance with the codes and procedures defined in Monroe County's Sewer Construction Standards and Specifications, as publically made available.

Only the Rochester Pure Waters and Gates-Chili-Ogden Sewer Districts have responsibility for lateral connections. In all other County Sewer Districts, the local municipality retains the responsibility for lateral connections into their local collection system. In this instance, policy and procedures relating to lateral responsibilities and services shall be under the jurisdiction of the individual municipality or local sewer district.

Section 10.3 Billing Procedures

All real property tax accounts within the geographic limits of the County Sewer Districts, including tax exempt and franchise properties, are subject to certain Water Pollution Control charges, if connected to the POTW or if a sewer is available for connection. These charges shall appear on the County Tax Bill each calendar year, (except those cases defined in Section 10.10), as a User fee and shall be comprised of a Capital Charge and Operation and Maintenance Charge. Both of these charges shall be applied and indicated separately on the Monroe County Town and County Tax Bill and shall be subject to all payment policies and procedures therein. However, an account shall not be billed until its accumulated Water Pollutions Control Charge is one (1) dollar or more. Charges are calculated in accordance with Sections 10.4 through 10.9.

Section 10.4 Capital Charge

1. Rochester Pure Waters District billing is based on a rate per thousand dollars of assessed valuation without regard to exemptions from the latest annual City of Rochester final assessment roll. The assessed valuation used by the City of Rochester for tax roll preparation shall be utilized for purposes of calculating the Capital Charge.

2. Northwest Quadrant Pure Waters District, Gates-Chili-Ogden Sewer District, Irondequoit Bay South Central Pure Waters District, Northwest Quadrant Special (Zone of Assessment) Service Area Billing and any other district created, altered or modified by action of the Monroe County Legislature is based on a rate per "residential unit" or its equivalent as determined according to the property classification and County Sewer District policy, and shall be levied without regard to exemptions. Accordingly, unit assignments for commercial, Industrial Users and other non-residential users shall be based upon a unit calculation utilizing water consumption and a calculation of units per water meter divided by the amount of the average residential water use defined in the Scale of Charges approved annually by the Monroe County Legislature. With the exception of the Rochester Pure Waters District, the Capital Charge also includes a parcel charge, which is used to fund district wide planning for all parcels within the geographic limits of that particular County Sewer District. The Capital Charge is not approved as part of the Scale of Charges, but is developed and adopted within the annual budgets of the County Sewer Districts and the specific approved allocation of capital expense for each of the County Sewer Districts.

Section 10.5 Operation and Maintenance Charge

In all County Sewer Districts the Operation and Maintenance Charge is based on the amount of water consumption as reported during the period approximating July to June immediately preceding the County Tax Bill. Water consumption is determined by actual meter readings or estimates provided by the appropriate water provider. Where metered water does not represent the total consumption, the Director may use an appropriate method to calculate consumption. Where actual meter reads or estimates may not correspond to a full billing cycle, estimates and appropriate adjustments shall be made to establish a full year's billing. The total Operation and Maintenance Charge is the product of total water consumption, multiplied by the rate per thousand gallons as adopted annually within the Scale of Charges of the County Sewer Districts.

Section 10.6 Credit Program

In instances where it can be demonstrated that the volume of water being discharged to the POTW is significantly less than that of the metered incoming purchased water, a credit allowance shall be considered that would accurately reflect the difference. To receive this

credit, the User must apply to be on the Credit Program and provide flow measurement documentation to the Director from one (1) or more of the following ways:

1. Install, at the User's expense, proper metering equipment which shall measure that volume of water not being discharged to the POTW. Such equipment and plans for installation must be approved by the Director. The User must maintain and keep all equipment in working condition at all times;

2. Install, at the User's expense, a metering system at the point where the Wastewater is discharged to the POTW measuring the actual amount of Wastewater being generated. The plot plan, piping design and specifications for the Wastewater meter must be submitted to the Director for approval before installation. The User must maintain all equipment and keep it in working condition at all times;

3. The volume of water going into product may be established by evaluation of water content in product and total volume of product. This data must be submitted to the Director in substantiated form for his/her consideration to establish a volume credit allowance against incoming metered water;

4. A documented plant water balance may be submitted to show water usage for various process operations. Based on this information, the Director may deduct from the total incoming volume, those measured volumes of water which are not discharged to the POTW;

5. In all applications above where the User is unable to use metered water usage or metered discharge to ascertain a proper credit allowance, the User shall develop a method of flow calculation that is acceptable to the Director. All metering data and flow calculations, including the formula used, shall be submitted to the Director annually.

The User shall start obtaining credit once all required measuring devices and documentation requirements are in place and it has been approved for the Credit Program. The User must maintain compliance with all agreed upon conditions and any new stipulations that the Director may elect. Failure to submit the required documentation shall forfeit any credit and remove the User from the Credit Program.

Section 10.7 Imposition and Computation of Sewer Surcharge Fee

1. Imposition of Sewer Surcharges: In addition to applicable charges for the Capital and Operation and Maintenance fees defined in this Law, the owner of a Municipal or private Sewerage System or owner or lessee of any parcel or real property connected with such system or sewer, including, but not limited to, real property connected to

such system by means of a private sewer or drain discharging into the POTW, shall pay a sewer surcharge for discharging the following:

a) Any Wastewater in which the concentration of BOD, TSS or P exceeds those concentrations as defined or Normal Sewage as stated in this Law.

b) Excessive flow including but not limited to:

i. any Unpolluted Waters discharged to the Sanitary Sewer from Stormwater connections that have been specifically approved by the Director through Permit or other legal instrument.

ii. any groundwaters and/or Surface Waters which enter the Sanitary Sewer by Inflow and/or Infiltration, with the exception of those exempted by the Director as a result of an approved Inflow and Infiltration program.

iii. any groundwater and/or Surface Water entering the Combined Sewers where the User has been directed by the Director to control the flow to minimize or eliminate downstream POTW capacity issues.

2. Sewer Surcharge for exceeding Normal Sewage concentrations:

The Director shall compute all surcharges in accordance with procedures adopted by the Monroe County Legislature and published in the County Sewer District Scale of Charges. The data used to compute the surcharge shall be supplied by inspections, measurement or monitoring, by the application for Permit and/or any method determined by the Director which gives, as nearly as possible, an accurate volume determination and/or the average pollutant concentration. All surcharges shall be based on analysis of wastes from any plant or premises in relation to the total volume of wastes and waters, with the exception of special contracts in accordance with Section 10.8 of this Law. The User shall have the option to sample and test their discharges for the purpose of validating and calculating the surcharge. The testing values shall be averaged with those testing values determined by the Director for the purposes of calculating the surcharge. The Director may require self-monitoring, in such cases as, but not limited to, seasonal variations in discharge concentrations. The Director may waive the surcharge fee for instances where administration and data collection costs exceed the amount expected to be recovered from the User. The data, once established as the average Pollutant concentration, shall be used until inspection or other reliable proof justifies a change in the surcharge or until the Director requests that a new average Pollutant concentration be established. In the event that the computation of surcharge is disputed by the User for such issues as Pollutant concentration, volume, annual representation of the waste discharged from a premise to the POTW or any other issue, an evaluation by the

Director and User shall be completed. The Director shall make a ruling if a consensus cannot be achieved. The User may further dispute the surcharge in accordance with provisions in Article IX of this Law.

3. Sewer Surcharge for Excessive Flows:
   a) For individual Users of the County owned or operated POTW connected to a Sanitary Sewer, when evidence exists either in the volume of discharge, or observation of a connection(s) from a source(s) of Unpolluted Water, the County Sewer District shall levy an annual surcharge to that User. The Director may use one (1) of the following methods to calculate the annual surcharge or use an alternate method that recovers the costs due to excessive flows:

      i. One hundred dollars ($100.00) per year; or

      ii. An amount equal to the product of the total estimated amount of flow that was in excess of purchased flow times 1.28 per day, totaled for the year, multiplied by that County Sewer District's Operation and Maintenance charge, and then divided by one thousand (1000).

   b) For local governments, or other entities responsible for satellite Sanitary Sewer Systems tributary to the POTW, when there exists evidence, either in the volume of discharge, or observation of an Illicit Connection(s) from source(s) of Unpolluted Water, the County Sewer District shall levy an annual surcharge to that local government or other entity. The Director may use one (1) of the following methods to calculate the annual surcharge or use an alternate method that recovers the costs due to excessive flows:

      i. One hundred dollars ($100.00) per unit, per year, for all units within that satellite collection system or any portion thereof, tributary to the POTW and operated by the local government or other entity; or

      ii. An amount equal to the product of the total estimated amount of flow that was in excess of purchased flow times 1.28 per unit, per day, totaled for the year, multiplied by that County Sewer District's Operations and Maintenance charge, and then divided by one thousand (1000).

The Director may take into account factors, including but not limited to, geological conditions when setting an acceptable amount of excess flow.

In addition to the above surcharges for excessive flow that are designated to recover operation and maintenance expenses, the County Sewer District retains the authority to levy an additional capital fee surcharge that shall be associated with increased capital improvement expenses

necessary to construct facilities that need upsizing to handle the additional hydraulic loading of these excessive flows from local governments or other entities. This charge shall be calculated and assigned as a share of the annual debt service for those facilities and based upon the ratio of design capacity of the new or upgraded facilities that are necessary due to the excessive flows.

Section 10.8 Special Contract or Permit

The Director has the authority to negotiate contracts or write into Permits special fees, charges and/or billing processes associated with the handling of Wastewater. One (1) of the following conditions must exist before a special contract or Permit can be negotiated:

1. The total volume to the POTW is greater than one million gallons per day or five percent (5%) of the average volume design capacity of the POTW's treatment facility receiving the waste, or the pollutant load is five percent (5%) of the average design loading of the POTW's treatment facility receiving the waste;

2. The User is a local, State or Federal Government Agency;

3. Septic tank waste and other high strength wastes which are so unusual that they are not covered by Scavenger Waste or surcharge provisions of this Law; or

4. An industry or establishment has a NYSDEC SPDES Permit to discharge directly into Receiving Waters using some portion of the POTW or County Storm Drainage System.

Section 10.9 Special Consideration

1. Accounts having septic tanks and other accounts not connected to the POTW shall not be billed an Operation and Maintenance Charge.

2. Adjustments may be made to correct errors and cover unusual circumstances. Any payment received that results in an overpayment, shall be a credit to the account.

3. Accounts for any employee based industries that utilize non-metered water supply, at the discretion of the County Sewer District, may be billed on an agreed to "gallon per employee" equivalent at a specified reporting frequency.

4. Accounts for residential Users without water meters shall be billed based upon usage estimates as best established at the discretion of the Director.

Section 10.10 Direct Billing for County Sewer Districts

The following wastes streams may be billed directly by the Director:

1. Special Contracts that are subject to County Sewer District charges in accordance with Section 10.8 of this Law;

2. Accounts having contaminated groundwater shall install a discharge meter or develop another acceptable measuring method and furnish discharge readings to the Director at a specified frequency;

3. Trucked in wastes to the POTW, such as but not limited to, Scavenger Waste, Sewage Sludge, approved sludge and grease;

4. Collection of Sewer Surcharges in accordance with Article X;

5. Special Wastes approved for discharge by the Director;

6. Cost recovery for services eligible for back charges;

7. Other wastes that cannot be billed to the Combined Town and County Tax Bill;

8. New non-residential accounts, until discharge history is established;

9. Any accounts that cannot be individually billed on the Combined Town and County Tax Bill for any reason.

Section 10.11 Delinquent Payments

Any County Sewer Districts bills due prior to October 1, but unpaid by November 1, shall be transferred to the County for collection as part of the Combined Town and County Tax Bill. The amount transferred shall be the sum of unpaid original charges.

Article XI. Validity

Section 11.1 Repeal of Prior Legislation

All Codes, Laws, Rules and Regulations or parts of same in conflict herewith are repealed.

Section 11.2 Severability

The invalidity of any Section, clause, sentence or provision of this Law shall not affect the validity of any other part of this Law which can be given effect without such invalid part or parts.

Section 11.3 Effective Date of Law

This Law shall be effective thirty (30) days after enactment.

Section 1 – Local Law No. 3 of 1988 adopted by the County Legislature on June 28, 1988 and filed in the County Clerk's Office (add date) and known as the Sewer Use Law of the County of Monroe is hereby repealed on the effective date of this Local Law.