

**Dutchess County Water and Wastewater Authority Sewer Rules and Regulations
(Adopted June 20, 2012)**

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§ 1. Scope.

The following are the rules and regulations established in the manner prescribed by Section 1124 of the “Dutchess County Water and Wastewater Authority Act” (under NYS Public Authorities Law) governing wastewater collection and treatment services furnished and supplied by the Dutchess County Water and Wastewater Authority to all part-county sewer districts and other approved service areas within Dutchess County, NY.

§ 2. Definitions and word usage.

- A. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

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

APPROVAL AUTHORITY -- The NYS DEC, if New York State (NYS) acquires an approved state pretreatment program and the Region II USEPA administrator, if NYS does not.

ASTM – American Society for Testing and Materials.

BACK WATER VALVE - Sometimes referred to as a reflux valve or surcharge protection device, is a device used in drainage systems which only permits the drain to flow in one direction. It has a check valve arrangement which closes against any reverse flow. A device for preventing sewage or drainage water from flowing back into a building in the event of flooding or sewer blockage.

BOD (Biochemical oxygen demand) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. (68° F.), expressed in terms of concentration in parts per million (ppm) or in terms of weight in milligrams per liter (mg/l).

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal. Also referred to as a “SEWER LATERAL”.

CATEGORICAL STANDARDS -- National Categorical Pretreatment Standards.

CHLORINE DEMAND - The difference between the amount of chlorine added to water, sewage or industrial wastes, and the amount of residual chlorine remaining at the end of a twenty-minute contact period at room temperature.

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

CONTROL AUTHORITY -- The approval authority, defined herein, or the Director of Operations and/or Engineer of the DCWWA, if the DCWWA has an approved pretreatment program under the provisions of 40 CFR 403.11.

COOLING WATER -- The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. It shall contain no polluting substances which would produce BOD or SS, each in excess of 10 parts per million (ppm) by weight, or deleterious substances, as may be limited by these regulations herein or elsewhere.

COUNTY - The County of Dutchess, NY.

COUNTY HEALTH DEPARTMENT -- The Dutchess County Health Department.

DCWWA – The Dutchess County Water and Wastewater Authority.

DEC or NYS DEC - The New York State Department of Environmental Conservation.

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

DIRECTOR OF OPERATIONS - The Director of Operations operating under that title and employed by the DCWWA, or his/her authorized deputy, agent or representative.

EPA or USEPA - The United States Environmental Protection Agency.

EFFLUENT - Wastewater, after some degree of treatment, flowing out of any treatment device or facilities.

ENGINEER - The duly licensed and credentialed Engineer operating under that title and employed and/or appointed by the DCWWA, or said Engineer's authorized deputy, agent or representative.

FLOATABLE OIL - Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility.

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

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

GRINDER PUMP - A wastewater management device located in a local holding tank/vault of a Grinder Pump pressure system which grinds waste received by the local tank/vault into a fine slurry while pumping it into a central wastewater collection system for further treatment elsewhere.

HEALTH COMMISSIONER - The Dutchess County Health Commissioner.

HOLDING TANK WASTE - Scavenger wastes or any waste from holding tanks such as, but not limited to, vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the ACT, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL CONCERN - An Industrial User.

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

INDUSTRIAL WASTES - Those liquid wastes from industrial manufacturing processes, trades or businesses which possess characteristics significantly different than normal sanitary sewage.

INDUSTRY - Any establishment which uses water in a product or generates a wastewater during the manufacturing of a product or the rendering of a service where such service results in the creation of a wastewater which differs substantially in character from normal domestic sewage.

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

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

INTERFERENCE -- The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the DCWWA's SPDES permits issued for any of its facilities or part-county sewer districts. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the ACT, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

MEDICAL WASTE - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, and any other wastes which can be considered medical in nature, including expired prescription medications.

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

NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NEW SOURCE - Any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) (33 U.S.C. 1317) of the ACT which will be applicable to such source if such standards are therefore promulgated in accordance with that section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
- (3) The production or wastewater generating processes of the building structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to

which the new facility is integrated into the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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

- B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- Suspended Solids - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- Phosphorus - 125 lbs. per million gallons (15 milligrams per liter), or less
- Ammonia - 250 lbs. per million gallons (30 milligrams per liter), or less.
- Total Kjeldahl Nitrogen - 417 lbs. per million (50 milligrams per liter), or less.
- Chlorine Demand - 209 lbs. per million gallons (25 milligrams per liter), or less.
- Chemical Oxygen Demand - 2920 lbs. per million gallons (350 milligrams per liter), or less.
- Oil and Grease - 830 lbs. per million gallons (100 milligrams per liter), or less

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

OWNER - The Owner or owners of the premises receiving services from the Public Sewer.

PASS THROUGH - A discharge which exits the POTW into the receiving waters of NYS or the United States in quantities or concentrations which, alone or in conjunction with a discharge(s) from other sources, is cause of a violation of any requirement of the POTW's SPDES permits (including an increase in the magnitude or duration of a violation).

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

pH -- The negative logarithm to the base 10 of the molar concentration of hydrogen ions in solution. It indicates the intensity of acidity and alkalinity of the pH scale running from zero to 14. A pH value of seven represents neutrality. Values above seven indicate alkalinity, and those below seven represent acidity.

POLLUTANTS - May be so defined now or hereafter by appropriate local, state or federal authorities or by the Commissioner as substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of which may contain soluble or insoluble material of organic or inorganic nature which may deplete the dissolved oxygen content of natural waters, contribute solids, contain oil, grease or floating solids which may cause unsightly appearance on the surface of such waters, or contain materials detrimental to aquatic life.

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

PREMISES - Any parcel of real property including land, improvements or appurtenances, such as buildings, grounds, etc.

PRETREATMENT - The treatment of wastewater from sources before introduction into the sewage treatment works.

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC OWNED TREATMENT WORKS (POTW) - A treatment works as defined by Section 212 of the ACT, (33 U.S.C. 1292) which is owned in this instance by the DCWWA. The definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the respective part-county sewer district and/or DCWWA service area who are, by contract or agreement with the DCWWA, users of the DCWWA's POTW.

PUBLIC SEWER - A sewer controlled by public authority.

RECEIVING WATERS - A natural outlet, water course or body of water.

SANITARY SEWAGE - Wash water, culinary wastes and liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

SANITARY SEWER - A sewer which carries sanitary sewage and/or industrial wastes to which storm water, surface water and groundwater are not intentionally admitted.

SCAVENGER WASTES - Suitable conditioned human excrement in a fluid state, and this only when such material is collected from septic tanks, cesspools, approved types of chemical toilets, holding tanks (as described above), either directly or indirectly, and also sewage sludge from sewage treatment plants.

SEWAGE - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and storm water as may be present.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS - All facilities for collecting, pumping, treating and disposing of sewage.

SEWER - A pipe or conduit for carrying sewage.

SEWER LATERAL - The extension from the building drain to the public sewer or other place of disposal. Also referred to as a "BUILDING SEWER".

SEWER SYSTEM - All sewers, laterals or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works and/or projects of the Department.

SLUG - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a "Slug".

SS (denoting suspended solids) - Total suspended matter that floats on the surface of, or is suspended in water, wastewater, sewage or liquids and which is removable by laboratory filtering or floatation, skimming or sedimentation. The laboratory determination of the dry weight expressed in parts per million (ppm) or milligrams per liter (mg/l) of solids that either float on the surface, are in suspension or are settleable and can be removed from wastewater by filtering through a 0.45 micron filter.

STATE - The State of New York.

SPDES (denoting State Pollutant Discharge Elimination System) Permit - A permit issued by the NYS DEC pursuant to § 17-0805 of the Environmental Conservation Law of the State of New York.

STORM DRAIN (sometimes termed "storm sewer") - A sewer which carries storm water, surface water and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

SUBSTANCES OF CONCERN - A list of substances which the NYS DEC considers to be of environmental concern.

TOXIC SUBSTANCES - Any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant, pose a hazard to men working in the sewer system or constitute a hazard to fish or animal life.

WASTEWATER - The water-carried domestic, human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration, industrial and commercial wastes as may be present.

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

WEF - The Water Environment Federation (formerly known as the Water Pollution Control Federation).

B. "Shall" is mandatory; "may" is permissive.

§ 3. Building sewers and connections.

- A. The connection of the BUILDING SEWER into the public sewer shall conform to the requirements of the rules and regulations of the DCWWA, local codes and the Building Code and Plumbing Code of the State of New York as may be applicable, or to the procedures set forth in appropriate specifications of the American Society for Testing Materials and applicable Water Environment Federation Manual of Practice (as may be amended from time to time). All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director of Operations and/or Engineer of the DCWWA before installation. The cost of all work done to ensure compliance with said codes, specifications, rules, and/or regulations shall be the responsibility of the Property Owner.
- B. BACKWATER VALVES of a type, model and manufacturer acceptable to the DCWWA shall be installed (at the Property Owner's expense) on all sewer laterals when such valves are required for that location by the Building and Plumbing Codes of the State of New York, the applicable codes of the local municipality; and/or by specific written directive issued to the Property Owner by the Executive Director, Director of Operations and/or Engineer of the DCWWA. All work shall be inspected and approved by the DCWWA prior to the resumption of wastewater service to the affected property. Further, the Property Owner will be responsible (at their sole expense) for addressing any changes in elevation of their respective sewer lateral which are necessary to facilitate the installation and continued proper operation of said backwater valve. Failure of the Property Owner to install a backwater valve when required or directed shall absolve the DCWWA of all future claims made by said Property Owner for any damages from backflow from a DCWWA sanitary sewer line or facility.
- C. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Operations and/or Engineer of the DCWWA or his/her designee.
- D. There shall be three classes of building sewer permits for: **1)** residential (single residential and two-family residential); **2)** multi-family residential and commercial service (including, when applicable, mobile home parks or any other service which will use an interceptor tank utilized by more than one building, structure, or mobile home or which will have a flow exceeding the equivalent flow of a single-family residence); and **3)** service to establishments producing industrial wastes. In any case, the Owner or his/her agent shall make application on a special form furnished by the DCWWA. Permits shall be issued by the DCWWA Director of Operations and/or Engineer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director of Operations and/or Engineer of the DCWWA. A permit and inspection fee schedule and/or escrow requirement policy shall be established and updated as needed by the DCWWA Board of Directors for all types of sewer permits deemed necessary by the DCWWA, with such fees or monies to be paid to the DCWWA at the time the respective application or project review request has been filed with the DCWWA. All permit applications for establishments discharging industrial

wastes shall be reviewed by the County Health Department and subject to any Pretreatment Rules and Regulations promulgated by the DCWWA. The DCWWA reserves the right to impose restrictions and/or conditions on permits for all users related to control of prohibited substances introduced into the PUBLIC SEWER by said user.

Further, the Owner shall be subject to the payment of all fees and charges, and subject to all conditions and/or requirements, as may be set forth in the approved Schedule of Sewer Rates for the respective DCWWA sewer/wastewater system as adopted by the governing Board of the DCWWA.

- E. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the Owner. The Owner shall indemnify the DCWWA from any loss or damage that may directly or indirectly be occasioned by the installation of the BUILDING SEWER.
- F. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to enter the building through an adjoining alley, court, yard, driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building. When a building is divided and sold to more than one person for individual ownership, separate sewer laterals may be required. Final decision will be at the discretion of the Director of Operations and/or Engineer of the DCWWA. When a parcel of land is subdivided for separate businesses and, in the opinion of the DCWWA, the proposed uses for the building are not compatible, separate sewer laterals may be required. Final decision will be at the discretion of the Director of Operations and/or Engineer of the DCWWA.
- G. Old BUILDING SEWERS may be used in connection with new buildings only when they are found, on examination and test acceptable to the Director of Operations and/or Engineer of the DCWWA or his/her designee, to meet all requirements of this article.
- H. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the local building and plumbing code, as well as other applicable rules, regulations and specifications of the DCWWA which shall prevail. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and applicable Water Environment Federation Manual of Practice and/or American Society of Civil Engineers Manual of Practice (as may be amended from time to time) shall apply.
- I. Whenever possible, the BUILDING SEWER shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- J. No person shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- K. The applicant for the building sewer permit shall notify the Director of Operations and/or Engineer of the DCWWA or his/her designee when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the observation of the Director of Operations and/or Engineer of the DCWWA or his/her designee/representative.
- L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Permits for excavation must be obtained from the authority having jurisdiction, New York State Department of Transportation and/or highway department or other governmental entity (municipal, County or State) with jurisdiction prior to any road, sidewalk or public area being excavated. Further, the Owner and his/her employee, representative and/or contractor shall adhere to all the requirements set forth in NYS Industrial Code Rule 753, applicable sections of NYS Public Service Law and General Business Law, and follow all rules and procedures promulgated and administered by Dig Safely NY or its successor organization. The Owner shall be responsible for any resulting damages, and shall indemnify the County, Sewer District and DCWWA.

§ 4. Prohibited sewer uses.

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the local municipality or County Health Department.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to waste streams with a closed-cup flashpoint of less than 140° Fahrenheit, or 60° Centigrade using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, medical waste, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk container, misc. paper and/or plastic products, etc., either whole or grounded by garbage grinders.

- (3) Any liquid or vapor having a temperature higher than 40° Centigrade (104° F).
- (4) Any water or waste containing fats, wax, grease, oils, or oil products, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 0° and 40° C (32° and 104° F).
- (5) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the Director of Operations and/or Engineer of the DCWWA.
- (6) Solid or viscous pollutants in amounts which are likely to cause obstruction to the flow in the POTW resulting in interference.
- (7) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentrations which will cause interference with the POTW.
- (8) Heat in the amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.) unless the approval authority, upon the request of the POTW, approves alternate temperature limits.
- (9) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (10) 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.
- (11) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (12) Any water or wastes that contain more than two parts per million by weight of the following gases: hydrogen sulfide, sulfur dioxide, oxides of nitrogen.
- (13) Any residues from petroleum storage, refining or processing, fuel or lubrication oil, gasoline, naphtha, benzene, explosive or inflammable liquids, solids or gases.
- (14) Any liquid having a pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (15) Any liquid containing the discharge of acidic pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (16) Any liquid containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

- (17) Any materials which exerts or causes:
- [a] Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride sodium sulfate).
 - [b] Excessive discoloration (such as, but not limited to, dye solutions and vegetable tanning solutions).
 - [c] Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - [d] Any unusual concentration or flow or any given constituent which for any period of duration longer than 15 minutes exceeds more than five times the average twenty-four-hour concentrations or flow rates during normal operation.
- (18) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the ACT.
- (19) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (20) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the ACT, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state or county criteria applicable to the sludge management method being used.
- (21) Any substance which will cause the POTW to violate its SPDES permit and/or the receiving water quality standards.
- (22) Any wastewater containing any radioactive wastes or isotopes.
- (23) Any wastewater which causes a hazard to human life or creates a public nuisance.
- D. The Director of Operations and/or Engineer of the DCWWA may limit the type, concentration and/or quantity of any substances, materials, waters, or waste discharged to a PUBLIC SEWER if, in the opinion of the Director of Operations and/or Engineer, he/she reasonably believes such substances, materials, waters, or

waste will have an adverse effect on the PUBLIC SEWER equipment, the treatment process it employs, and/or may pose harm or hazard to those who maintain, operate or inspect the PUBLIC SEWER, and/or present harm or hazard to the general public. Further, the Director of Operations and/or Engineer of the DCWWA may require specific pretreatment to an acceptable condition for discharge of the aforementioned to the PUBLIC SEWER. The installation and subsequent maintenance of any pretreatment equipment shall be the responsibility of the respective property owner or contract user of the PUBLIC SEWER requiring pretreatment.

§ 5. Other use of public sewers.

A. Permits required for industrial discharge.

Any discharge of industrial wastes to the public sewer system shall be unlawful, unless specifically authorized by a special sewer use permit issued by the Director of Operations and/or Engineer of the DCWWA. Such sewer use permits shall be issued by the Director of Operations and/or Engineer authorizing the discharge of industrial wastewaters to the sanitary sewer system. The permits shall be specific in terms of the quantity of flow to be discharged and the contaminants contained herein. Permits shall be issued to significant industrial users, and any other dischargers designated by the Director of Operations and/or Engineer of the DCWWA. Such sewer use permits are issued to a specific user for a specific operation. A permit shall not be reassigned or, transferred, or sold to a new Owner, new user, different premises, or a new or changed operation without the approval of the DCWWA. Any succeeding or user shall also comply with both the terms and conditions of the existing permit as well as with any Pretreatment Rules and Regulations promulgated by the DCWWA

B. Additional local pretreatment option.

- (1) The admission into the public sewers of any waters or wastes that contain the following shall be subject to review by the Director of Operations and/or Engineer of the DCWWA:
 - (a) A five-day BOD greater than 300 parts per million by weight,
 - (b) More than 350 parts per million by weight of suspended solids,
 - (c) An average daily flow greater than 5% of the average daily sewage flow of the receiving treatment plant, or
 - (d) Characteristics which exceed any of the limitations as may be established elsewhere within this article.
- (2) After proper review, the Director of Operations and/or Engineer of the DCWWA may:
 - (a) Require pretreatment to an acceptable condition for discharge to the public sewers, prior to the issuance of a permit.
 - (b) Require control over the quantities and rates of discharge as a condition of the permit.
 - (c) Require payment to cover the added cost of handling and treating the wastes as a condition of the permit.

- (3) Where pretreatment and/or equalization are required, plans and specification for such equalization and/or pretreatment facilities shall be subject to the review and approval of the Director of Operations and/or Engineer of the DCWWA and subject to all applicable codes, ordinances and laws. Such pretreatment facilities when constructed shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense. The Owner, subsequent to the commencement of operation of any pretreatment facilities, shall make periodic reports to the DCWWA setting forth therein data upon which he/she may determine the effectiveness and adequacy of such installation in reducing the concentrations to acceptable limits. Any approval by the DCWWA of a type, kind or capacity of an installation shall not relieve the Owner of the responsibility of revamping, enlarging or otherwise modifying an installation to accomplish its intended purpose to the degree necessary to comply with any and all rules and regulations.
- (4) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any other pollutant-specific limitation developed by the DCWWA or the State.
- (5) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the DCWWA for review, and shall be approved by the DCWWA before construction of the facility. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
 - (a) Written notice: Within five days following an accidental discharge the user shall submit to the Director of Operations and/or Engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
 - (b) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

C. Nothing under this article shall be construed as reducing in any manner the authority of the Director of Operations and/or Engineer of the DCWWA to temporarily refuse the acceptance of a discharge if, in his/her opinion, complete compliance with the provisions of any section of these rules and regulations is lacking. Such temporary refusal shall be in effect until such time that there is evidence that complete compliance will be achieved by the discharger.

§ 6. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision may be subject to arrest, criminal prosecution and/or civil court action.

§ 7. Powers and authority of DCWWA personnel.

- A. The Director of Operations and/or Engineer of the DCWWA and other duly authorized employees and/or representatives of the DCWWA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.
- B. While performing the necessary work on private properties referred to in Subsection A above the Director of Operations and/or Engineer of the DCWWA or duly authorized employees of the DCWWA shall observe all safety rules applicable to the premises established by the property owner, and the property owner shall be held harmless for injury or death to the DCWWA employees, and the DCWWA shall indemnify the property owner against loss or damage to its property by DCWWA employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions as may be required herein or elsewhere.
- C. The Director of Operations and/or Engineer, other duly authorized employees and/or representatives of the DCWWA bearing proper credentials and identification shall be permitted to enter all private properties through which the DCWWA holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement.
- D. All the powers and authority described herein for the administration (including issuance of all building sewer and/or other wastewater treatment service permits) and enforcement of these sewer rules and regulations is granted to DCWWA personnel pursuant to Section 1124 of the “Dutchess County Water and Wastewater Authority Act” (under NYS Public Authorities Law) and other applicable statutes.

§ 8. Notice of Violation.

Any person found to be violating any provision of this article except § 6 (Protection from Damage) shall be served by the DCWWA with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

The DCWWA Executive Director, Director of Operations or Engineer is authorized to order, in writing, the remedying of any condition or activity in violation of this article. Upon finding that such condition or activity exists, the DCWWA Executive Director, Director of Operations or Engineer shall issue a notice of violation and compliance order.

The DCWWA Executive Director, Director of Operations or Engineer shall send such notice by both first class US Mail and certified, return receipt US Mail to the last known mailing address of the offending party, as well as to the physical address (if different from the mailing address) where the violation has been declared to have occurred.

The notice of violation and compliance order shall:

- (1) be in writing;
- (2) be dated and signed by the DCWWA Executive Director, Director of Operations or Engineer;
- (3) specify the condition or activity that violates this article;
- (4) specify the provision or provisions of this article which is/are violated by the specified condition or activity
- (5) specify the time frame within which such violation must be corrected or abated; and
- (6) state the appropriate consequence(s) for failure to correct or abate the condition of activity within the specified period of time as set forth below.

The date of service of a notice of violation and compliance order issued pursuant to this section shall be the date of mailing.

The offender shall, within the period of time stated in such notice, permanently cease all violations and/or cure, abate, correct or remove such violation and shall submit to the DCWWA a detailed written statement describing the causes of the harmful contribution or other occurrence of non-compliance, and the measures taken to prevent further occurrence.

If the violation is not timely ceased, corrected or removed pursuant to the notice of violation and compliance order, the DCWWA may cause the removal or correction. Said correction or removal may be performed by the DCWWA or by its designee, or agent, including a private contractor.

The owner shall be responsible to reimburse the DCWWA for the costs of removal, abatement or correction of the violation. Such costs shall include the necessary and reasonable attorneys' fees and other consultant fees incurred by the DCWWA in prosecuting the violation. In the event of a failure to reimburse the DCWWA for such costs, such sums shall be charged against the real property which is the subject of the violation by adding that charge to, and making it a part of, the next sewer or water bill for the property.

The DCWWA Board of Directors shall hear and decide appeals from any notice of violation and compliance order. An appeal shall be taken in writing within 15 days of the service of the notice of violation and compliance order. The DCWWA Board of Directors shall fix a reasonable time for hearing such appeal and shall rule on such appeal in a timely manner. An appeal shall stay all proceedings in furtherance of the notice of violation and compliance order, unless the DCWWA Executive Director, Director of Operations or Engineer certifies to the Board of Directors, after receipt of the notice of appeal, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to the public health, safety or welfare, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the DCWWA Board of Directors or by court of record on application, on notice to the DCWWA Executive Director, Director of Operations or Engineer and for due cause shown.

Any person who violates the following conditions or any other requirement or condition of this article, or applicable state and federal regulations, or fails to comply with a notice of violation and order to remedy is also subject to having their DCWWA-issued sewer/wastewater service permit suspended in accordance with the procedures of § 9 (Suspension of Service and Permit) of this article:

- A. Failure of a user to factually report the wastewater constituents and characteristics of this discharge when requested to do so by DCWWA;
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- D. Violation of conditions of any permit issued by DCWWA.

§ 9. Suspension of service and permit.

The DCWWA may suspend any building sewer and/or wastewater treatment service permit it has issued when such suspension is necessary, in the opinion of the DCWWA, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the DCWWA to violate any condition of its SPDES permit. Any person notified of a suspension of the wastewater treatment service permit shall immediately stop or eliminate the wastewater contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the DCWWA shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The DCWWA shall reinstate the wastewater service permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

§ 10. Penalties for offenses; liability for damages; misrepresentations.

- A. Non-adherence to these ordinances, rules and regulations is hereby declared to be a violation, punishable by a fine not to exceed fifty dollars (\$50) for each violation; or imprisonment for a period not to exceed fifteen (15) days; or both. Each day in which any such violation shall continue shall be deemed a separate offense.

Criminal prosecution of these rules and regulations shall be pursuant to the New York Criminal Procedure Law and via appearance ticket issued by the Dutchess County Sheriff or other police agency returnable in the Justice Court for the jurisdiction in which the violation occurs. Such tickets shall be supported by an "Information". Prosecution of the violation in the Justice Court shall be within the discretion of the Dutchess County District Attorney, who may fulfill his or her prosecutorial duties by making arrangements with local officers or attorneys to do so.

- B. The DCWWA, in addition to other remedies, may institute any appropriate action or proceeding to prevent unlawful violation of these ordinances, rules and regulations and to retain, correct, and abate such violation or to prevent any illegal action, conduct or use in or about said water and/or sewer improvement area, and shall be entitled to recover the costs of such action, including attorneys fees, and other consultant fees.

Further, in the event that the DCWWA has determined that a property owner's water meter or remote read device has been tampered with, and the DCWWA bases the wastewater use charges of said property on the respective water use of that property, said property owner may also be liable for the payment to the DCWWA for sewer service provided, but not paid for up to 6 years, as a result of the tampered water meter or remote read device.

- C. Any person violating any of the provisions of this article shall become liable to the DCWWA for any expense, loss or damage occasioned the DCWWA by reason of such violation.
- D. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater service permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than \$50 (fifty dollars) or by imprisonment for not more than 15 days, or by both.

§ 11. Public notification.

Notification of changes to these rules and regulations, and/or promulgation of others, shall be made in a manner and/or through such media as may be prescribed by applicable law, regulatory requirement and/or directive of the governing Board of the DCWWA.

§ 12. Equitable relief.

If any person discharges sewage, industrial waste, or other waste into the DCWWA's wastewater disposal system and/or SEWER SYSTEM, contrary to the provisions of this article, federal or state requirements or any order of the DCWWA, the DCWWA may commence an action for appropriate legal and/or equitable relief in the local court having jurisdiction in the matter and/or the New York State Supreme Court, Dutchess County venue.

§ 13. Validity.

- A. All DCWWA rules and regulations, or parts thereof, in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

§ 14. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the DCWWA and any industrial or commercial concern whereby an industrial or commercial waste of unusual strength or character may be accepted by the DCWWA for treatment, subject to payment therefore by the industrial concern and subject where required to the approval by the NYS DEC and USEPA. However, under no circumstances shall modification of the article or other control document be implemented to allow the discharge or prohibited discharges under 40 CFR 403.5(a) and (b). Further, the revision of any categorical pretreatment standards to reflect the removal of pollutants through the POTW must follow the formal process outlined in 40 CFR 403.7.

§ 15. Rules and Regulations in force.

This article shall be in full force and effect from and after its passage and approval as provided by law.

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