

## Chapter 106

### SEWERS

**[HISTORY: Adopted by the Town Board of the Town of Conklin 11-24-1987 by L.L. No. 4-1987. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 73.  
Mobile homes, manufactured homes, and travel trailer parks — See Ch. 91.  
Storm sewers — See Ch. 110.  
Stormwater management — See Ch. 111.  
Streets and sidewalks — See Ch. 112.  
Subdivision of land — See Ch. 115.  
Water — See Ch. 132.  
Zoning — See Ch. 140.

#### § 106-1. Purpose.

The purpose of this chapter of the Town of Conklin is to regulate sanitary sewers and to provide specifications for installations and connections in all sanitary sewer districts and within any extensions thereof in the Town of Conklin, Broome County, New York.

#### § 106-2. Definitions.

Unless otherwise defined herein, technical terms shall be as defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Health Association, the American Water Works Association and the Water Pollution Control Federation. Whenever used in this chapter, unless otherwise expressly stated or required by subject matter or context, the following terms shall have the meanings indicated:

**BOARD or JOINT SEWAGE BOARD** — The Binghamton-Johnson City Joint Sewage Board, established under the agreement between the City of Binghamton and the Village of Johnson City for the operation of a joint wastewater treatment facility. The term includes any duly authorized designee, agent or representative of the Board.

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

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

**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 suspended solids each in excess of 10 milligrams per liter.

EASEMENT — An acquired legal right for the specific use of land owned by others.

EPA — The United States Environmental Protection Agency.

FEDERAL ACT or ACT — The 1972 Federal Water Pollution Control Act amendments, Public Law 92-500, and the 1977 Clean Water Act, Public Law 95-217, and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Act.

FLOW RATE — The quantity of waste or liquid that flows in a certain period of time.

GARBAGE — Animal and vegetable wastes from the preparation, cooking and disposing of food and from the handling, processing, storage and sale of food products and produce.

HOLDING TANK WASTE — Any sanitary waste from holding tanks such as marine vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL USER — Any nonresidential user of the town's sanitary sewer system, which user is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- A. Division A: Agriculture, forestry and fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, communications, electrical, gas and sanitary services.
- E. Division I: Services.

INDUSTRIAL WASTE — Any discarded matter, including any liquid, gaseous or solid substance or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from development or recovery of natural resources. The term shall not include garbage.

INFLUENT — Wastewater, raw or partly treated, flowing into any sewage treatment device or sewage treatment facilities.

INTERFERENCE — The inhibition or disruption of the treatment plant processes or operations or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of the Joint Sewage Board's SPDES permit or which results in the prevention of sewage sludge reuse, reclamation or disposal by the treatment plant 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, the Resource Conservation and Recovery Act or any more stringent state criteria applicable to the method of disposal or use employed by the treatment plant.

JOINT SEWAGE TREATMENT PLANT or TREATMENT PLANT — The Binghamton-Johnson City Joint Sewage Treatment Plant. The term includes all devices or systems used in the storage, treatment, cycling or reclamation of municipal sewage or industrial wastes of a liquid nature by the Binghamton-Johnson City Joint Sewage Treatment Plant.

**LATERAL SANITARY SEWER** — The conduit pipe conveying sewage from house or building to trunk line in street.

**NORMAL SEWAGE** — Sewage, industrial wastes or other wastes having pollutant concentrations which do not exceed 240 mg/l of BOD, 300 mg/l of TSS or 50 mg/l of oil and grease and which is otherwise acceptable for discharge into the treatment plant under the terms of this chapter. The numbers and values of characteristics are subject to revision by the Joint Sewage Board when, in the opinion of the Joint Sewage Board, a revision is necessary in order to maintain the physical integrity of the treatment plant; or maintain the treatment plant's capability of providing treatment in compliance with federal, state and local standards.

**NYSDEC** — The New York State Department of Environmental Conservation.

**PERSON** — Any individual, firm, company, partnership, association, private or public corporation, political subdivision, governmental agency, municipality, industry, trust, estate or any other legal entity whatsoever.

**POLLUTANTS** — Defined now or hereafter by appropriate local, state or federal authorities or by the Board, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of which may contain soluble or insoluble solids 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.

**PREMISES** — Any parcel of real property including land, improvements or appurtenances or buildings and grounds.

**PRIVATE SEWER** — A sewer which is not owned or controlled by a public agency.

**PUBLIC SEWER** — A sewer which is owned or controlled by a governmental agency. This term includes any devices or systems used by the governmental agency in the storage, transmission, treatment or reclamation of municipal sewage or industrial wastes.

**RULES AND REGULATIONS OF THE BOARD** — The rules and regulations relating to the use of the Binghamton-Johnson City Joint Sewage Treatment Plant, promulgated by the Binghamton-Johnson City Joint Sewage Board.

**SANITARY SEWER** — A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants and institutions.

**SANITARY SEWER SYSTEM** — The system of sanitary sewer installed or to be installed in any sewer district or extension thereof.

**SANITARY WASTE** — Wash water, culinary wastes, the 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.

**SEWAGE** — Wastewater, as hereafter defined.

**SEWER** — A pipe or conduit for carrying wastewater, including sanitary sewers.

**SHREDDED GARBAGE** — Garbage shredded to such a degree that all particles will be carried

freely under flow conditions normally prevailing in public sewers, with no particle having any dimension greater than 1/2 inch.

SPDES PERMIT — A wastewater discharge permit issued by the New York State DEC under the State Pollutant Discharge Elimination System.

STORM SEWER — A sewer intended to carry only stormwaters, surface runoff, street wash waters and/or drainage, exclusive of sanitary wastes.

SUPERINTENDENT — The person or persons designated by the Town Board of Conklin to inspect lateral lines and connections.

SUSPENDED SOLIDS — The total suspended matter in water or wastewater, as determined by standard methods.

TOWN — The Town of Conklin.

TOWN ATTORNEY — The Attorney of the Town of Conklin and his duly authorized agents and representatives.

TOWN BOARD — The Town Board of the Town of Conklin.

TOWN ENGINEER — The Engineer employed by the Town of Conklin and his duly authorized agents and representatives.

TOXIC SUBSTANCES — Any substance, whether gaseous, liquid or solid, which, when discharged to the sewer system in sufficient amounts, may tend to interfere with any sewage treatment process, constitutes a hazard to the receiving waters of the effluent from the sewage treatment plant, poses a hazard to sewer maintenance personnel, constitutes a hazard to animal life or inhibits aquatic life. This definition includes, but is not limited to, EPA priority pollutants.

TRUNK SEWER LINE — One of the main trunk sewers located in the public street or in easements owned by said sewer district.

UNPOLLUTED WATER — Water to which no constituent has been added, either intentionally or accidentally, which would render water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

USER — Any person who contributes, causes or permits the contribution of wastewater into the town's sanitary sewer system.

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

WASTEWATER CONSTITUENTS AND CHARACTERISTICS — The individual chemical, physical, bacteriological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality and/or strength of wastewater.

**§ 106-3. Connection to sewer collecting systems.**

- A. The owner of all houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within the town and in Sewer District No. 1 as it exists

at the time of the effective date of this chapter is required to connect the building to the public sewer collecting system in the street in the manner prescribed by this chapter no later than two years from the day set forth on a notice to connect, unless an agreement has been reached between the Town Board and the property owner permitting the use of the private septic system after a satisfactory examination and inspection of the private system, the property and the immediate neighborhood. Said agreement shall be in effect only as long as annual inspections by the town personnel or other persons authorized by the town to make such inspections indicate that the private septic system is functioning properly. Agreements made under this section shall become null and void on change of ownership of the property. Any succeeding property owners shall be required to connect the building to the public collecting sewer line on the street within one year from the date of the property transfer.

- B. The owner of any house or building as described in the preceding subsection which is to be constructed on property within the boundary of any existing sanitary sewer district or extension thereof is required to connect said building to the public connecting line in the street at the time of construction and before occupancy.
- C. Any existing building, as described in Subsection A of this section, which shall, as a result of a newly created sewer district or a sewer district extension, be located within the boundary of such district or extension is required to connect said building to the collecting facilities in the street within two years of the date of the notice and completion of the construction of the public collecting system.
- D. In the event that any existing private sewage disposal system on the property within the boundaries of an existing district or extension thereof shall be cited by the Broome County Health Department; then, regardless of any of the provisions of the preceding subsections, said property shall be immediately connected to the public collecting sewer lines in the street.
- E. Gravity building sewer connections and pressure building sewer connections shall comply with all specifications and requirements as determined necessary for that connection by the Superintendent.
- F. Notwithstanding any other section of this chapter, as a condition precedent to connecting to the Town public sewer on and after July 1, 2007, all new users of the Town public sewer shall be required to be connected to and be a metered user of the Town water system.  
[Added 6-26-2007 by L.L. No. 2-2007]

#### **§ 106-4. Permits.**

No person, firm or corporation shall make an excavation in a public street or sewer district easement for the purpose of connecting a lateral sanitary sewer with a trunk sewer, and no person, firm or corporation shall connect a lateral sewer line with a trunk line or spur lateral without first having applied for and received a permit from the Superintendent, allowing such excavation and allowing said connection to the trunk line at the place indicated on the permit. All permits shall be issued to the owner of the premises who shall be responsible for compliance with this chapter. All such connections shall be made in conformity with this chapter and under the supervision of the Superintendent or a person designated by him.

**§ 106-4.1. Sewer connection application.** [Added 12-11-2012 by L.L. No. 7-2012]

- A. Pursuant to § 12.05.01 of the Rules and Regulations (the "Regulations") of the Binghamton-Johnson City Joint Sewage Board (the "Joint Board") any applicant for a sewer connection or modification resulting in new sewage flows of more than 2,500 gallons per day shall prepare a sewer connection application on a form promulgated by the Joint Board accompanied by a sewer extension engineering report prepared by a New York State licensed professional engineer containing the information required by Joint Board Regulation § 12.05.02, which application shall be submitted for approval to the Town Board and the Joint Board.
- B. Such application will be disapproved by the Town Board, by resolution without public hearing, if it shows associated flows will exceed the capacity of the Town's sewage collection system or if a sewer capacity analysis from the point of the Town's connection to the Joint Board treatment plant indicates associated flows will exceed the capacity of that system.
- C. Upon approval or approval with conditions of said application by the Town Board, by resolution without public hearing, within 45 days of receipt of the application, the Joint Board will perform a hydraulic and pollutant loading capacity analysis at its treatment plant and shall approve or approve said application contingent upon issuance of a flow credit note pursuant to the Article 13-I/I Offset program of the Joint Board Regulations if the new or modified sewer connection adds flows greater than 2,500 gallons per day within the I/I Remediation Boundary established by said program unless the new flow is exempt from compliance with said Program pursuant to the provisions of § 13.06 of the Joint Board Regulations. As the Town approval or approval with conditions is subject to review and action by the Joint Board; any required analysis under the New York State Environmental Quality Review Act<sup>1</sup> shall be a coordinated review with the Joint Board acting as lead agency.

**§ 106-5. Drainage of certain waters prohibited.**

No groundwaters, stormwaters, subterranean waters, rainwaters or waters from rain spouts, sump pumps, foundation drains, eaves or otherwise shall be drained into any lateral or trunk sanitary sewer line. Sanitary sewer drains located in a basement or cellar may be connected to any lateral or trunk sanitary sewer line if the drainage therein conveyed is solely that of sanitary sewage and/or water coming from the water supply system of the subject premises. Any such sanitary sewer drain shall be properly trapped and the property owner shall be solely responsible for providing adequate protection against backflow and/or back pressure.

**§ 106-6. Sewer connections within wetlands or floodplains.**

- A. The town has submitted to the USEPA and NYSDEC an approvable facilities plan amendment including maps that clearly delineate on block and lot maps all specific vacant or potentially developable parcels of land within the facilities planning area that are partially or wholly within the one-hundred-year floodplain as defined by the Federal

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1. Editor's Note: See ECL § 8-0101 et seq. and 6 NYCRR Part 617.

Emergency Management Agency (FEMA) or within wetlands as defined by the United States Fish and Wildlife Service.

- B. The town agreed that for a period of 50 years from the date of the publishing of a FNSI/EA (finding of no significant impact/environmental assessment) for the City of Binghamton 6th Ward Interceptor (EPA Grant No. C360-961-05), no sewer hookup or other connections to the wastewater facilities will be allowed or permitted so as to allow the discharge of wastewater from any building, facility or other construction on any parcel of land partially or wholly within any wetlands or the one-hundred-year floodplain, which land parcel, as of the date of publishing of the FNSI/EA, was undeveloped or had the potential for additional development unless approved in writing by the USEPA Regional Administrator.

**§ 106-7. Lateral size and material specifications.**

- A. Minimum nominal size lateral shall be four inches. Size of said lateral sanitary sewer when not more than five water closets shall be not less than four inches inside diameter. When serving more than five water closets the size of the sewer shall be increased to sufficient capacity to meet all regulations.
- B. Lateral sanitary sewers shall be constructed of one of the following materials:
  - (1) Extra-heavy cast-iron soil pipe conforming to ASTM Specification A-74, year of latest revision. Joints shall be of poured lead or rubber ring joints approved by the inspector.
  - (2) Polyvinyl chloride (PVC) pipe. Minimum specifications shall conform to the requirements of ASTM D-3034 PSM-SDR 35, made from PVC compounds, as defined and described in ASTM D-1784, Cell Classification 12454 B. Joints shall be integral bell and beveled spigot joints sealed with elastomeric gaskets conforming to ASTM D-3212. All ASTM specifications shall be the year of latest revision. Joint length shall be 10 feet or 12 1/2 feet.
- C. Lubrication, where used, shall be to factory specifications.
- D. Through the building foundation or under the footing, extra-heavy cast-iron pipe shall be used. Manufactured adaptors approved by the Superintendent shall be used when connecting pipe of different material. Where the piping passes through a foundation or under the footing, it shall be protected by encasing it in a cast-iron or steel pipe sleeve. Sleeves shall be adequately caulked to provide a watertight seal.

**§ 106-8. Location and laying of laterals.**

- A. Lateral sanitary sewers shall be installed in a trench separate from all the other utilities. The lateral sanitary sewer should preferably be located at least 10 feet horizontally from a water service pipe. Should local conditions prevent this lateral separation, a sewer may be laid closer to a water main as long as it meets or exceeds the regulation set forth in the recommended standards for Sewage Works, Great Lakes Upper Mississippi River Board of State Sanitary Engineers, as published by the Health Education Service, Inc., Albany, New York.

- B. The trench for the lateral sanitary sewer shall be opened to its full depth for the entire length before any pipe is laid therein, unless otherwise approved by the Superintendent. The bottom of the trench shall be free of large stones and unstable materials. If, in the opinion of the Superintendent, the material at the bottom of the trench does not form a suitable foundation to support the pipe, this material shall be removed and replaced with compacted gravel as directed by the Superintendent.
- C. No backfilling shall be done until the work is inspected and approved by the Superintendent for the district.

**§ 106-9. Trenching and excavating.**

- A. Whenever it is necessary to leave the work, the end of the pipe line shall be securely closed with a tight-fitting cover or plug. Any earth or other material entering the main sewer through the open end of any lateral or pipe shall be removed at the owner's or his agent's expense.
- B. No tunneling will be allowed except where permission is obtained from the Superintendent, in which case, his directions must be carefully followed.
- C. All trenches must be properly protected by sufficient sheathing and bracing where necessary. Where pipes pass under the walls of any buildings, there shall be a relieving arch constructed to prevent settlement of the masonry over the pipe.
- D. The owner or his agent shall erect and maintain barricades, lights and other safeguards necessary to effectively prevent injuries to persons.
- E. When a trench passes beneath a pavement, the refilling shall follow the direction of the Town, State or County Superintendent of Highways with jurisdiction over that pavement. Unless otherwise superseded by their direction, which may require special backfill material and requirements, the following shall govern: From the top of the select gravel or pea gravel bedding, the trench shall be refilled and compacted in one-foot layers with the material previously excavated, except for large stones or that material determined by the Superintendent to be unsuitable for backfill. The surface of the trench shall be finished off in a smooth and workmanlike manner. After the trench has been backfilled, any settlement which may occur must be filled in by the owner or his agent. Should he fail to do so, the refilling will be done under the direction of the Town Board and the cost of the work charged to him.

**§ 106-10. Plugs**

The end of each lateral, when the connection to the house is not completed, shall be securely plugged in a manner satisfactory to the Superintendent of the district.

**§ 106-11. Grade and alignment.**

- A. All lateral sanitary sewers must be laid straight and true to both grade and alignment. Changes in direction shall be made by using a Y-branch or bends and shall have a grade of not less than 1/4 of an inch per running foot toward the public sewer, unless authorized by the Superintendent. The following grades shall be considered the minimum and maximum



acceptable grades:

<b>Inner Pipe Diameter (inches)</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>
4	2%	20%
6	.65%	12%
8	.40%	9%

- B. Pipes shall be fitted together and matched so that when laid they will form a sewer with a smooth and uniform invert. All pipes shall be laid with bells uphill and the interior of the pipes shall be cleared of all dirt and foreign materials as the work progresses.

**§ 106-12. Connection at sewer.**

The lateral sanitary sewer connection at the trunk sewer line shall be made at the Y provided for that purpose. This connection shall not be made at any other point without permission from the Superintendent. When a lateral sanitary sewer is constructed of different material than the trunk sewer line, the connection between them shall be made with an adaptor, approved by the Superintendent, which has been manufactured for connecting different pipe materials to each other.

**§ 106-13. Cleanouts.**

Cleanouts shall be provided at all laterals near a point where they leave the building. In no instance shall there be any connection to the lateral on the street side of the cleanout. Any lateral having bends greater than 1/16 shall have adequate cleanout at such bends. The size of the laterals shall be determined by computed flows by the Superintendent.

**§ 106-14. Fittings.**

- A. All soil fittings shall be recessed soil fittings with smooth continuous inner surfaces to the flow of drainage and shall conform in all respects to their respective grades of pipe. Changes in direction of flow shall be made by use of proper fittings. Where required, 1/16 bends shall be placed at least one length apart and 1/8 bends and 1/4 wide sweep bends shall only be used with the permission of the Superintendent.
- B. A manufactured adaptor, approved by the Superintendent, shall be used when connecting different pipe materials to each other.

**§ 106-15. Laterals between property line and trunk line.**

- A. Where improper installation of laterals from trunk line to property line causes repairs to become necessary or interferes with main sewer lines, proper installation of lateral from trunk line to property line shall be at the expense of the property owner. This includes securing of all necessary permits for street excavations.

- B. Where a new hookup to a trunk line is to be made at a point where no lateral exists from the trunk line to the property line, installation of this segment of the lateral shall be at the expense of the property owner and this construction shall meet all applicable standards set forth in this chapter.

**§ 106-16. Future extensions.**

The expense of any extension to an existing sewer district shall include all the costs and expenses occasioned by reason of such extension and, in addition thereto, such proportion of the cost of any water purification works, pumping station and trunk sewer and sewage disposal or treatment works, including land, of the original district, as the Town Board shall determine.

**§ 106-17. Restrictions and limitations on use of sewers.**

- A. Stormwater and other unpolluted water prohibited. No person shall discharge or cause to be discharged any stormwater, swimming pool water, surface water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer, unless specifically authorized by the Superintendent.
- B. Prohibited discharges.
  - (1) No person shall discharge directly or indirectly in the sanitary sewer system or into any private sewer emptying into the sanitary sewer system any substance, materials, waters or wastes in such quantities or concentrations which cause or are capable of causing, either alone or by interaction with other substances, interference with the operation or performance of the sanitary sewer system or the Binghamton-Johnson City Joint Sewage Treatment Plant (hereinafter "treatment plant") into which the town's sanitary sewer system discharges; or which could pass through the treatment plant inadequately treated. These general prohibitions and the specific prohibitions of Subsection B(2) of this section apply to all users of the town's sanitary sewer system, whether or not the user is subject to any local, state or federal requirements governing use of the town's sanitary sewer system.
  - (2) No person shall discharge the following into the town's sanitary sewer system:
    - (a) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard in or be injurious in any other way to the town's sanitary sewer system or the treatment plant. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, fuel oil, benzene and any other substances which the Commissioner of Public Works, the town, the Board of the treatment plant, the New York State DEC or EPA has notified the user constitute a fire or explosion hazard to the system.
    - (b) Solid or viscous substances which may cause obstruction to flow in a sewer or other interference with the operation of the treatment plant, such as but not

limited to grease, shredded garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepapers, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, snow, ice, any other solid objects, materials, refuse and debris not normally contained in sanitary waste.

- (c) Any wastewater having a pH less than 6.0 or higher than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the treatment plant works.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant or to exceed the limitation set forth in a categorical pretreatment standard of the treatment plant. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Federal Act.
- (e) 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.
- (f) Any substance which will cause the treatment plant to violate any state pollutant discharge elimination system (SPDES) permit issued to the treatment plant; or to violate the receiving water quality standards.
- (g) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye waste and vegetable tanning solution.
- (h) Any wastewater having temperature at the point of introduction into the sanitary sewer system in excess of 150° F. (65.5° C.) or in such quantities that cause the temperature of the wastewater at the treatment plant to exceed 104° F. (40° C.).
- (i) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the treatment plant.
- (j) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (k) Any radioactive wastes.
- (l) Any holding tank wastes.
- (m) Any substance, materials, waters, or wastes of such nature or in such quantities or concentrations as are prohibited by the rules and regulations of the Joint Sewage Board, including among other things: wastewater containing any of the following substances in concentrations exceeding those specified below.

Concentration limits are applicable to wastewater effluent at a point under the control of the discharger and prior to the connection to the public sanitary sewer. [Amended 12-11-2012 by L.L. No. 7-2012]

**Allowable Daily Average Effluent Concentration**

<b>Substance<sub>1</sub></b>	<b>Limit<sub>2</sub> (mg/l)</b>
Cadmium	0.3
Chromium (total)	4.0
Copper	0.5
Lead	1.5
Nickel	1.5
Zinc	4.0
Mercury	0.001

<sup>1</sup> All concentrations listed for metallic substances shall be as "total metal" which shall be defined as the value measured in a sample acidified to a pH value of less than two without prior filtration.

<sup>2</sup> As determined by a composite sample taken from the user's daily discharge over the operational and/or production period. Composite samples must consist of grab samples collected at intervals of at least one per hour.

<sup>3</sup> As determined by an instantaneous grab sample.

- C. Limitation on point of discharge. No person shall discharge substances directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer.
- D. Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Engineer for the Town or the Superintendent, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the Engineer for the Town or the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. They shall be of substantial construction, watertight and equipped with removable covers which when mounted in place shall be gastight and watertight.
- E. Dilution prohibited. No discharger into the sanitary sewer system shall augment his use of process water or otherwise intentionally dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this chapter.
- F. Effluent limitation promulgated by the Federal Act and New York State Department of

Environmental Conservation shall apply in any instance where there are more stringent than limitations in this section. Users in industrial categories subject to effluent guidelines issued under Section 304 of the Federal Act and discharging pollutants into the publicly owned treatment works shall achieve the level of treatment established by the applicable federal and state regulations. Nothing in the rules and regulations shall be construed to relieve any industrial user from its obligation to comply with the pretreatment standards established pursuant to Section 307 of the Federal Act or any applicable regulation or provision of law. [Added 12-11-2012 by L.L. No. 7-2012]

- G. Dental facilities as the term is defined in 6 NYCRR Subpart 374-4 shall comply with the provisions of 6 NYCRR Subpart 374-4. [Added 12-11-2012 by L.L. No. 7-2012]

**§ 106-18. Connection or properties outside existing districts.** [Amended 11-9-1999 by L.L. No. 2-1999]

No connection to a public collecting sewer line shall be made unless all requirements of this chapter and the pertinent sections of the Town Law are fully complied with and no connection of a property outside a sanitary sewer district or extension thereof shall be made with a public collecting sewer line unless proper proceedings are taken to extend the boundaries of said sanitary sewer district to include such property. In the event of the inclusion of such property, a charge as provided by resolution of the Town Board for each such connection will be levied against each such property owner to defray legal, engineering and publication costs and a written agreement will be entered into between the town and the property owner specifying the manner in which the connection shall be made with the public sewer collecting system. All expenses of such connection shall be borne by the property owner, and when such property is included, it shall be added to the tax roll of the sewer district or extension thereof, and it shall be thereafter taxed for all purposes, including use, maintenance and debt reduction, in the same manner as any other property within said district or extension.

**§ 106-19. Imposition and computation of sewer rents.**

- A. The owner of any parcel of real property situate within the sewer district in the Town of Conklin or any extension thereof, connected with the sewer system or any part or parts thereof, including but not limited to real property connected with the sewer system or any part or parts thereof by means of a private sewer drain emptying on the sewer system, shall pay an annual sewer rent for the use of the sewer system or any part of parts thereof.
- B. Such annual sewer rent shall be based upon the metered consumption of water on all such real property connected with the sewer system or any part or parts thereof, except as may be otherwise herein provided. The scale of such annual sewer rents shall be established on a periodic basis by resolution of the Town Board.
  - (1) In the absence of a metered water supply, the Town Board may set a flat rate for the sewer rent for single-family residential units. The Sewer Superintendent may require or permit the installation of a water meter by the owner or occupant of the premises to measure the quantity of water supplied from such source and the quantity of water measured by such meter shall constitute the basis for computing the sewer rent. The cost of the purchase and installation of any water meter(s) shall be paid by the

property owner.

- (2) Any owner or occupant of premises charged for sewer rents may install, without any cost to the town or the sewer district, a sewer meter device acceptable to the Sewer Superintendent to measure actual sanitary sewer discharge, upon which the same rate shall apply as set forth above.

**§ 106-20. Cooperation of owner of real property.**

The Superintendent may require each owner and/or occupant of real property within the sewer district to furnish him with such information as may be necessary and reasonable in order to carry out the provisions of this chapter. It shall be permissible for the Superintendent or other properly authorized person employed by the sewer district to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provision of this chapter.

**§ 106-21. Payment and collection of sewer rents.**

All sewer rents imposed hereunder shall be due and payable in the same manner and at the same times that water rents due Water District No. 2, Town of Conklin, are due and payable. Sewer rents shall be billed and collected in the same manner and at the same times as the billing and collection of water rents due Water District No. 2, Town of Conklin. There shall be a penalty of 10% of the amount due added to a sewer rent bill which is not paid within 30 days after the billing date.

**§ 106-22. Liens of sewer rents.**

Sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim except the lien or an existing tax assessment or other lawful charge imposed by or for the State of New York or political subdivision or district thereof.

**§ 106-23. Enforcement; penalties for offenses.**

- A. Whenever it shall appear to the Superintendent, after investigation, that any person has violated any provision of this chapter (other than a provision relating to industrial waste discharges), the Superintendent shall give written notice to the alleged violator or violators setting forth the nature of the violation and directing that the matters complained of be corrected within such reasonable time limit as may be set by the Superintendent. Any such notice shall be served on the violator by personal service or by registered or certified mail sent to the last address of the violator known to the Superintendent. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken within the time allotted by the notice, the violator shall be subject to the penalty provisions set forth in Subsection B below, in addition to any town code enforcement procedures otherwise authorized by law.
- B. Any person who willfully violates any provision of this chapter (other than a provision relating to industrial waste discharges) or any order of the Superintendent issued pursuant

to Subsection A above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100 and not more than \$500 and/or imprisonment for not more than 30 days. 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. [Amended 11-9-1999 by L.L. No. 2-1999]

- C. Any person violating any of the provisions of this chapter shall, in addition, be liable to the town for any expense, loss or damage occasioned to the town by reason of such violations and any expense incurred in correcting the violation.
- D. The Town Attorney, on his own initiative or at the request of the Superintendent or Town Board, shall have the right to seek equitable relief in the name of the town to restrain the violation of or to compel compliance with this chapter or any order or determination issued thereunder by the Superintendent.
- E. Notwithstanding any inconsistent provisions of law, whenever the Superintendent finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in irreversible or irreparable damage to the sanitary sewer system and it therefore appears to be prejudicial to the public interest to delay action until notice of an opportunity for a hearing can be provided, the Superintendent may without prior hearing notify such person, whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order or where the giving of notice is impracticable, the Superintendent may take all appropriate action to abate the violating condition, including disconnecting the user's premises from the town's sanitary sewer system. As promptly as possible thereafter, not to exceed 15 days, the Superintendent shall provide the user with the written notice required by Subsection A of this section.

**§ 106-24. Application.**

Each and every provision of this chapter shall apply with full force and effect to any and all sanitary sewer districts of the Town of Conklin, including all extensions thereof, and to any and all sanitary sewer districts to be formed hereafter, including extensions thereof.

**§ 106-25. Industrial waste discharges.**

- A. Applicability. The discharge of industrial wastes into the sanitary sewer system of all sanitary sewer districts and extensions thereof in the Town of Conklin shall, in addition to any other requirements of law, be governed by the provisions of this section.
- B. Authority of the Joint Sewage Board.
  - (1) Notwithstanding any other provisions of law, the admission into the Town public sewers of any wastes shall be subject to the review and approval of the Joint Board. The Joint Board is hereby granted authority, concurrent with that of the Town, to enforce against any user within the Town all requirements necessary to ensure

compliance with the provisions of the rules and regulations of the Joint Board, including but not limited to the provisions of Articles 12 (New or Modified Sewer Connection Application Program, Article 13 (Infiltration/Inflow Offset Program) and Article 14 [Capacity, Management, Operation and Maintenance (CMJOM) Program]. Nothing contained herein, however, shall be construed as precluding the Town from seeking against any user such remedial action as it deems appropriate for correcting any violation of its local laws, ordinances or regulations governing use of the Town public sewer system. [Amended 12-11-2012 by L.L. No. 7-2012]

- (2) In exercising its authority over users discharging industrial wastes into the sanitary sewer system of any sanitary sewer district and extensions thereof of the Town of Conklin, the Board may:
  - (a) Require pretreatment of the user's wastewater to a condition acceptable for discharge to the public sewer;
  - (b) Require the user to apply for and obtain an industrial wastewater discharge permit as a means of controlling the quantities and rates of discharge;
  - (c) Require payment by the user to cover any added cost of handling and treating substances in the wastewater not covered by existing fees or charges;
  - (d) Require the development of compliance schedules by the user to meet any applicable requirements prescribed by the Board's rules and regulations;
  - (e) Require the user to submit such reports and supplemental information which the Board deems necessary to assure compliance with any applicable requirements prescribed by the Board's rules and regulations;
  - (f) Carry out all inspection, surveillance and monitoring necessary to ascertain the user's compliance with applicable requirements prescribed by the Board's rules and regulations;
  - (g) Investigate or make inquiry in a manner to be determined by it, as to any condition within the district affecting the operation of the Joint Sewage Treatment Plant and as to any alleged act or omission or failure to comply with the Board's rules and regulations;
  - (h) Obtain remedies for noncompliance by any such user as specified in § 106-25F(7);
  - (i) Reject the user's wastewater, where the Board determines that the wastewater contains substances or possesses characteristics which have a deleterious effect on the sewage treatment plant and its appurtenant facilities or the processes, equipment or receiving waters of the treatment plant or which constitute a public nuisance or hazard; or
  - (j) Take such other measures as it deems necessary and proper to ensure compliance with this chapter, with applicable state and federal law and with the rules and regulations of the Board.

C. Inspections. The Joint Sewage Board and representatives of the EPA and New York State



DEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal, state and local law governing use of the district's sanitary sewer system and with the provisions of the rules and regulations of the board. The Board shall additionally have access to and may copy any records the user is required to maintain under the rules and regulations of the Board. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangement so that upon presentation of suitable identification, inspecting personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities.

D. Violations.

- (1) No user discharging or proposing to discharge wastewater into the district's sanitary sewer system shall violate any of the provisions of or fail to perform any duty imposed by the rules and regulations of the Board; or any order or determination of the Board promulgated thereunder; or the terms and conditions of any permit issued by the Board.
- (2) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is under the jurisdiction, ownership or control of the Joint Sewage Board.
- (3) No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under the rules and regulations of the Board.
- (4) No person shall knowingly make false statement in any application, report or other document required to be filed pursuant to any provision of the rules and regulations of the Board.

E. Industrial waste surcharge. In addition to any other fees, charges, sewer rents or sanitary district taxes provided by law, industrial users shall pay to the Joint Sewage Board an industrial waste surcharge for the privilege of using the Joint Sewage Treatment Plant for treating industrial wastes or other special wastes accepted for discharge into the district's sanitary sewer system. The industrial waste surcharge shall be computed and collected by the Board in accordance with its rules and regulations.

F. Enforcement; penalties for offenses.

- (1) Any person who violates any provision of Subsection D above shall be liable to the Board for a civil penalty not less than \$100 and not more than \$500 for each violation, to be assessed by the Board after a hearing or opportunity to be heard in accordance with the procedures set forth in the Board's rules and regulations. Each violation shall be a separate and distinct violation, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Board's attorney in any court of competent jurisdiction.

- (2) In addition to the power to assess penalties as set forth in Subsection F(1) above, the Board is hereby empowered, following a hearing or opportunity to be heard in accordance with the provisions of its rules and regulations, to issue an order in the name of the Board and of the district enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Board's attorney in any court of competent jurisdiction.
- (3) Any civil penalty or final order issued by the Board pursuant to Subsection B above may be reviewed in a proceeding brought pursuant to Article 78 of the New York CPLR. Application for such review must be made within 30 days after service in person or by mail of a copy of the determination or order upon the attorney of record for the applicant and of each person who has filed a notice of appearance; or upon the applicant in person if not represented by an attorney.
- (4) Any person who willfully violates any provisions of Subsection D above shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$300 nor more than \$1,000 or by imprisonment of not more than six months, or by both such fine and imprisonment. 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.
- (5) Any person violating any provision of Subsection D above shall, in addition, be liable to the Joint Sewage Board for any expense, loss or damage occasioned to the Board by reason of such violation and any expense incurred in correcting the violation.
- (6) The Board's attorney or the attorney acting on behalf of any such district or extensions thereof at the request of the Joint Sewage Board shall have the right to seek equitable relief in the name of the district to restrain the violation of or to compel compliance with any provision or Subsection D above.
- (7) Notwithstanding any inconsistent provisions of law, whenever the Board finds after investigation that any user within the district is causing, engaging in or maintaining a condition or activity which, in its judgment, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in irrevocable or irreparable damage to the Binghamton-Johnson City Joint Sewage Treatment Plant and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for hearing can be provided, the Board may, without prior hearing, order such user by notice in writing, whenever practicable, or in such other form as in the Board's judgment will reasonably notify such person whose practices are intended to be proscribed to discontinue, abate or alleviate such condition or activity; and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order or where the giving of notice is impracticable, the Board may take all appropriate action (including disconnecting the user's premises from the district's sanitary sewer system) in order to abate the violating condition. As promptly as possible thereafter, not to exceed 15 days, the Board shall provide the user an opportunity to be heard in accordance with the provisions of its rules and regulations.

- G. Cooperation of town officials. Town officers and employees shall cooperate fully with the Board in the Board's enforcement and administration of its rules and regulations within the sewer districts and extensions thereof in the Town of Conklin.